

# SAMTULYA

philosophical to existential equality

PATRIARCHAL SOCIETY

CRIMES AGAINST WOMEN

BEYOND ENGENDERED ROLES

2019

WOMEN DEVELOPMENT CELL, SHIVAJI COLLEGE

# SAMTULYA

philosophical to existential equality



Shivaji College  
University of Delhi

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## Shivaji College

University of Delhi  
Raja Garden, Ring Road  
New Delhi - 110027

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*“Woman is the equal companion of man, gifted with equal mental capacity. She has equal right to liberty and freedom as him.”*

***-Mohandas K. Gandhi***

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## ACKNOWLEDGEMENTS

It has been a great privilege to work on *SAMTULYA*, translated as equal. The Women Development Cell has put this work together in the hope that while members are casting a pebble in a pond its ripple effect will be gigantic. Through this labour of love we aspire to see our society where there are no socially created, artificial roles for different genders and where everyone is and feels equal in every sense of the word.

We are deeply obliged to the Editor- in Chief who came up with the idea of bringing out a book annually on issues related to women's social, cultural and economic inadequacies and the several recourses available to alleviate their distress.

The book has two segments. The first segment is about people chosen for the conferment with Jijabai Achievers Awards for the year 2018- 2019. They have been selected because they are enablers in the cause of women's empowerment. People like Drs. Manisha Gupte and Ramesh Awasthi have up-scaled women's skills in Malshiras etc. and empowered them through health and economic freedom. Ms. Vidya Nambirajan has dented the male bastion of motor mechanics and runs a state of the art garage and trains women in this profession. Ms. Lakshmi Menon expanded her designing skills to become an environment friendly entrepreneur by making pens, which when planted grow into trees. Sister Annie Jesus has made it her mission to rescue trafficked girls and rehabilitate them so that they have a livelihood and a life even after being disowned by their families. Shri Shyam Sunder Paliwal has made the birth of a girl child in the Piplantri village an occasion for celebration and planting of trees, bringing a small parity in the gender ratio, reversing the environment for the better, leading to the dwindling of outward migration.

The second segment deals with various types of Sexual Harassment women face in multiple spaces: domestic, public and workplace, and in addition, rape, honour killing and cyber stalking. The road to *SAMTULYA* is long and arduous but all societies have to traverse that path. This can be done by creating awareness and empowering women socially, economically and legally. Subsequent articles shed light on the recourses available to women when faced with the above eventualities, such as free legal aid and punishment to perpetrators under various sections of the Indian Penal Code.

The book has dedicated pages on the growing menace of Cyber Stalking and its recourses, on the HIMMAT PLUS App introduced by the Delhi Police as a pre-emptive attempt for the safety of women and finally Free Legal Aid available to all women of the country. For the above information, we interacted and benefitted from sessions with adepts in their fields such as Mr. Rakshit Tandon, Cyber Security Expert and Consultant in India, Mr. Vijay Kumar, DCP, South Delhi, Ms. Monika Bhardwaj, DCP, West Delhi and Mr. Vinod Kumar Meena of the Delhi State Legal Services Authority (DSLISA). We are truly beholden to them for their unstinting and gracious help in enabling us to understand several issues discussed in the work.

WDC is also immensely obliged to its MOU partners, the *Srijanatmak Manushi Sanstha (SMS)*, *SHEROES* and *FICCI flo* for their programmes to showcase the malaise of gender disparity and harassment and the help and recourses available to women through the police, non- governmental and governmental agencies and the legal system.

All articles have been contributed by the dynamic students of the college under the very able stewardship of the teachers. They have worked consistently and diligently to put together vast amount of information and life stories. Contributors have shown a remarkable depth of understanding of the concerned subjects for which we express our immeasurable gratitude. To the team that worked on the design and layout of the book: Kudos! We are beholden to Lalit Advertising for their patience and interest in converting our manuscript into a book.

We hope this book will be read widely and will benefit society at large.

**The Editorial Team**  
New Delhi



*“There is no tool for development more effective than the empowerment of women”*

**-Kofi Annan**

#### **FROM THE EDITOR - IN CHIEF'S DESK**

Rajmata Jijabai was the embodiment of the spirit of women empowerment. She possessed the qualities of fearlessness, leadership, courage and self-sacrifice, and wished to inculcate the same traits in her children, Shivaji and Sambhaji. She was indeed a woman far ahead of her times. It was to celebrate this spirit of empowerment that Shivaji College instituted the

**JIJABAI ACHIEVERS AWARDS** in 2009, a milestone in the history of the institution. The awards felicitate those phenomenal individuals who work tirelessly and determinedly towards women's welfare and self-reliance.



The College believes in and promotes ideals of gender equality and social service and recognises the imperative need for women to receive opportunities for economic, social and personal liberation and self-sufficiency. The Women Development Cell (WDC) of Shivaji College makes consistent effort throughout the year to promote ideas of gender equality and sensitise people towards women's issues. It organises seminars, workshops, panel discussions, gender sensitisation programmes, self-defence workshops, open fora, which provide platforms for lively, stimulating debate and dialogue. The out-reach programmes related to gender issues for the students are also conducted through the medium of dance, music and theatre.

The forthcoming WDC annual programme is an International Seminar on **GENDER PARITY: Issues and Challenges** in January 2019, during the course of which the WDC publication will be launched. This is indeed an exhilarating experience as issues related to the biological and sociological aspects of gender are freely discussed and debated. The publication celebrates the contribution of the people who work determinedly and tirelessly to end gender discrimination and fight for women's empowerment. Extensive research and fieldwork, along with support and enthusiasm from faculty and students alike, go into the making of the book.

Undoubtedly, a proud moment it is for me to present this book to the readers. It is a work that exemplifies the passion and commitment of WDC as well as of Shivaji College for women's equality and empowerment.

**Dr. Shashi Nijhawan**  
Principal





## JIJABAI

JIJABAI is regarded as the epitome of motherhood who imparted excellent values to her son Shivaji, later Chhatrapati Shivaji, against many personal odds. She was herself a great warrior and administrator and she instilled in her son a sense of duty and courage to overcome any hardship.

### *JIJABAI ACHIEVERS AWARDS*

Shivaji College has instituted the *JIJABAI ACHIEVERS AWARDS* as a celebration of the development that can be unleashed with the privileging of genders and these are given annually to a select number of people who work at the grassroots level for the empowerment of women. They provide education for women and create opportunities for their economic independence. They enable women to subvert patriarchy and live in a state of social equality. The struggles and efforts of the awardees have been put together in *SAMTULYA* to enable readers to know about them since they have made it a mission of their lives to better the lives of others.

### *TENTH JIJABAI AWARDEES- 2019:*

- Lakshmi N. Menon
- Shyam Sunder Paliwal
- Manisha Gupte & Ramesh Awasthi
- Sister Annie Jesus Mary
- Vidya Nambirajan



## Path towards Pure Living

### LAKSHMI N. MENON

Ms. Lakshmi N. Menon has put in tremendous work for society by providing a better way of living to women of all ages, while protecting the environment at the same time. Ms. Menon lives in the company of her mother and grandmother, in a quiet home in Kerala, where together they try to save every bit of waste they can for a healthier planet. A designer at heart, she attained a degree in home science and went to the United States of America to pursue a career in designing. She had an excellent career there and also designed jewellery for models in the New York fashion week. Ms. Menon often used to visit Kerala and during one such visit she taught orphaned kids the craft of rolling paper to make a pen, an art she already practiced in the USA and even sold such pens at art galleries. It was then that she thought of embedding a seed in the paper pen to make it grow into a plant after it had been used up. This was the beginning of her organisation **PURE LIVING** in 2012.

**PURE LIVING** is a social enterprise which aims to find sustainable, eco friendly and innovative solutions to modern day problems, and extends a life of dignity and economic independence to elderly women and disabled people. Ms. Menon decided to leave her well-settled life in the USA as an artist and designer and return home to contribute towards a greener, cleaner environment. Since then, she has consistently worked towards innovations in eco products, projects and campaigns which question every pen we purchase and every fan we leave switched on.







In this era of increasing modernisation and technology, Ms. Menon has tried to implement old school techniques which have paved the way for green living. Each year, worldwide, billions and trillions of disposable plastic pens are thrown in trash, which add to the ever increasing waste management problem. Ms. Menon's products compel us to think about things we take for granted, like fresh air and cleanliness and she has made ingenious innovations to enhance the same.

She has crafted a pen made from paper waste and a seed is embedded at the bottom of these pens. When the used pen is planted in the soil the seed sprouts and becomes a sapling. These pens are completely biodegradable.

Ms. Menon has named these pens *Entree* because they open doors to eco-friendly living for the user and this particular project is called *ROLAPENA*. These pens are made from paper waste generated by printing presses. The paper is rolled with a machine she has designed and patented, which ensures that it is rolled tightly enough to be slim as plastic. The pens carry the seeds of the herbal tree Agasthya, also known as the humming bird tree. These trees are famous for their special medicinal and culinary properties, hence hold a special place in Ayurveda. The prime reason behind using the seeds of this tree is because of its ability to grow quickly. These pens help in upcycling paper and reducing plastic waste. They also boost women empowerment and ensure employment and inclusivity. Since the Entree pen is handmade, it costs and sells a little more than a plastic pen, ₹ 12 as compared to ₹ 3 or ₹ 5 for the latter. However, for those who care for the planet, this difference in cost is not much.









**PURE LIVING** has sold more than 15 Lakh pens since its inception and the demand continues to escalate with increasing awareness.

Ms. Menon has a passion for the conservation of the planet and has a hands-on approach. She prefers to take charge and act rather than wait for someone else to step in. She has helped her 92 year old grandmother and other elderly women make handmade wicks. She discovered how enthusiastically her granny used to make the wicks for Diwali and immediately put the idea in practice. With the help of elderly women, she formed **WICKSDOM** (Grandma Wicks) which not only aims to provide means of survival, but also helps senior citizens live a life resplendent with dignity and happiness. This wonderful initiative might be small and less influential when it comes to business growth but it extends a great amount of satisfaction and dignity to the elderly. The **WICKSDOM** project ensures that the lives of several more grannies like hers are made better (**AMMOOMATHIRI** – as they call it). They engage the elderly women living in poor old- age homes, doing what they are passionate about, making oil wicks. The entire money earned goes to the makers.

“It is one of those activities cultivated among the earlier generations right since their childhood. Today, in old age homes, one of their favourite activities from yester- years is helping them earn a livelihood and enabling them to keep their heads high”, says Ms. Menon.

Ms. Menon’s family trust, **GOOD KARMA FOUNDATION**, supplies the women with raw material for free. The wicks for oil lamps that they make are used in temples, churches and homes. In addition to the money they earn, this activity keeps the women active and lively and they get the priceless feeling of being able to contribute to society at their age.



Apart from making an impact both socially and emotionally, the wick making process also has a therapeutic effect on the health of the old women. The thread twisting procedure during the making of the wick has the effect of an acupressure on the fingertips. They make ₹5 for a bundle of 30 wicks each. The amount they get might not be large but it keeps them engaged in a fun and useful activity all day.

Ms. Menon is a perfect example for those who wish to bring about positive change in the world and inspire other women to follow their hearts and lead a dignified life. This enigmatic personality has selflessly and tirelessly worked for the upliftment of not just women but also the weaker sections of society. She is a key figure in the empowerment of women in India.





## Harbinger of Gender Parity Through Environmental Conservation

### SHYAM SUNDER PALIWAL

Piplantri is a small village located in Rajsamand district in the state of Rajasthan in India. Shyam Sunder Paliwal of Piplantri was happy farming and taking care of his family until a personal tragedy changed his life. Mr. Paliwal lost his daughter Kiran to dehydration. He planted a tree in her memory and remembered his daughter through it every day. Later, this idea of planting trees for a girl child was extensively popularised by Mr. Paliwal in his village of which he was Sarpanch<sup>1</sup>. In this way he smartly combined the missions of protecting the girl child along with caring for mother earth. People in Piplantri village now identify so much with the idea of trees that trees are planted to commemorate each milestone in a person's life.

In India the child sex ratio is heavily in favour of boys and the gap between the number of boys and girls is a major cause of concern. This is because of the existing social mores and beliefs that boys advance the family legacy and honour and girls are considered as liabilities, making their birth undesirable. Contrary to this, people in Piplantri celebrate the birth of each girl child and mark it by planting trees. On an average, 55 girls are born in the village each year. Mr. Paliwal's colossal mission to plant 111 trees at the birth of each girl child in his village began in 2005. After planting the trees, villagers nurture them just as they ensure the survival of the girls in their village. Using the metaphor of trees for the survival of the girl child, the villagers have planted and nurtured over 3 Lakh trees of neem (Nimtree or Indian Lilac), sheesham (Indian Rosewood), aam (Mango) and amla (Indian gooseberry)<sup>2</sup> on the common pasture land of the village.





The villagers collectively contribute Rs.21,000 and the parents of newborn girl add Rs. 10,000 to this amount to open a fixed deposit account for the girl in a bank, in order to ensure her financial security. This money cannot be availed till the girl turns twenty years of age and is to be used for her education or to offset the cost of her wedding. To make sure that the girl child receives proper education, the parents are made to sign an affidavit swearing that their daughter will attend school regularly and that the parents would also take care of the trees planted in her name. They also promise that they would not marry her off till she attains the legal age for marriage. Every girl now plants a tree before she leaves her home after marriage. The family of a deceased person also plants 11 trees in remembrance.

Piplantri village is now covered with a vast variety of trees and looks like an oasis due to the efforts and initiative taken by former Sarpanch, Shyam Sunder Paliwal. This has also led to positive changes in the local ecosystem in the form of firmer soil, higher

water table and richer wildlife. Protecting the fruit bearing trees from termites was a major problem for the villagers and to tackle this issue, lakhs of aloe vera plants were planted around the trees. The villagers gradually realised the economic value of aloe vera based products and they started to produce and market aloe vera gels and juices. This helped to improve the economy of the village.

Mr. Paliwal was born in the village Murad, which is about 2 kilometres away from Piplantri. He was the sixth boy child and his mother subsequently gave birth to two girls. When he was six years of age and his youngest sister was 2 months old, his mother died of snake bite. To augment the family income he dropped out of school at the age of twelve and began to work on the family farm. He then learned the marble trade while working for one of the companies in that region and later began his own marble trading unit. He also got married during this period and had children, two daughters and a son.



## बेटियों के जन्म पर रोपे जाते हैं सैकड़ों पौधे



In 2005, Paliwal was elected Sarpanch in Piplantri. That is when he began giving shape to his ideas and in a few months, he had already taken initial steps to improve the environment in Piplantri. At the time of his election the land was dry and barren. He had a few small dams built to create water reserves.

The motivation to plant trees in order to conserve water may have come from the loss of his daughter Kiran to dehydration. After planting trees in the memory of Kiran, he decided to do something for all the girls of the village. "I had done this for my daughter," Mr. Paliwal says, "and I thought why not do it for all the daughters?"

Since 2007, villagers in Piplantri plant 111 saplings after the birth of every girl child, completely embracing Mr. Paliwal's *daughter, water, trees* ethos. Strategically, it is good for the cause of the environment and works in favour of women. At first, Mr. Paliwal had to press villagers to help. Now, Mr. Paliwal says, they do this of their own accord and plant trees to commemorate all major life events like births, marriage and deaths. In India, there are 3.5 Crore more males than females, largely because families avoid raising daughters and have sex-selective abortions. Celebrating the birth of the girl child by planting trees is one way of encouraging families to have and raise girls.







Years ago, men who needed to work for their livelihood would migrate out of the village in droves accompanied by their families and head for big cities in search of employment. This was mainly due to vast deforestation and depleted soil which had made local agricultural jobs unappealing. Mr. Paliwal is hopeful that increasing income from plants, coupled with greater profitability resulting from increased fertility of the soil will encourage

villagers of Piplantri to end this outward migration and improve the health and finances of the villagers. He also hopes to make his village a model for development in the country. The Government also gives small stipend to local volunteers (mainly women), who plant trees.

Mr. Paliwal has set up funds for local girls who are born in poor families. Villagers and local business



his vehicle drives past. He is also a role model for the other sarpanchs who are trying to replicate his work in their own areas. 21 year old Anuradha Vaishnar, elected sarpanch of Tasol village is seeking his help in implementing the daughter, water, tree model in her village. Having already planted 25,000 trees, she hopes to usher in gender equality while stimulating the local economy and improving the environment at the same time. Both of them seek to make best use of government funds to support their endeavours.

Despite the government's endorsement of his model, Paliwal faces several challenges, particularly from the mining industry that has little use for land covered with trees. But Paliwal is ready to take on this rich and powerful adversary. His confidence stems from the knowledge that the benefits accruing from his work will sustain for several generations.

#### References

1. Sarpanch – an elected head of a village
2. Scientific names: Neem-Azadirachta indica, Sheesham- Dalbergia Sissoo, Aam-Mangifera Indica, Amla-Phyllanthus emblica

owners increasingly donate money to this fund as their income increases from the crops they plant. They fund seven or eight girls every year, and hope they can pool more money to expand this care. The extra income has also enabled residents of Piplantri to build concrete houses with indoor plumbing, running water and toilets. A social transformation is underway too with more and more girls going to school along with boys. Leela Rao, a Sanskrit teacher at the local elementary school observes that girls are now keen to complete their education. So much so that even women who marry into the village seek to educate themselves. Women who were assigned the task of planting trees are no longer prepared to confine themselves to their homes. According to Ms. Rao the girls of the village are happy to have trees named after them. On the annual *Raksha Bandhan* festival the girls tie *rakhis* around their trees.

Mr. Paliwal has been awarded the **United Nations Women Safety Award** and the village of Piplantri was honoured with the **President's Award in 2007**. He is something of a local celebrity in Piplantri and adjoining areas, waving to people as









## Committed Towards Social Equality

### MANISHA GUPTÉ & RAMESH AWASTHI

*"Do what you love and you will find the way to get it out to the world"-Judith Collins<sup>1</sup>*

The yardstick of a person's success in society is measured in terms of salary earned and position achieved in the professional sphere. This idea of success, however, is not shared by everyone. Some people in this world envisage a life that defies or subverts traditional conventions and perceptions. Dr. Manisha Gupte and Dr. Ramesh Awasthi are such outstanding examples who gave up the comforts of a settled life in order to change the lives of those less fortunate. Together, Dr. Gupte and Dr. Awasthi run the **Mahila Sarvangeen Utkarsh Mandal (MASUM)**, an organisation that aims to create an equal world.

Dr. Gupte comes from a simple Maharashtrian family of national level trade-unionists and is a microbiologist and sociologist by training. She was actively involved with the Jayaprakash Narayan Movement in the 1970s and worked with the **Chhatra Yuva Sangharsh Vahini**, an influential student organisation. Dr. Ramesh Awasthi hails from a Punjabi family of doctors. His brothers are settled in the USA and he studied for his B.Tech and M.Tech from IIT Delhi and later did his doctorate from Mumbai. He was active in the Rationalist and Anti-Corruption movements from the beginning and later decided to quit his well paying job to work for social justice for all. Both of them left their well settled lives and secure jobs to accomplish their common mission of transforming the society. They had the full support of their families when they decided to get married and subsequently live in a small space, on a modest honorarium. They lived their first five years post marriage in a small village and brought up their children there. According to Dr. Gupte, "unless you have a partner who supports you and who doesn't have traditional gendered expectations (men earning big salaries, women having to do household work and look after children), you can't fulfill your aspirations".

Drs. Gupte and Awasthi moved to Malshiras town in Solapur, Pune in 1987 and started MASUM. The organisation aims to establish equal rights and awareness about gender equity. They believe that real democracy is possible only through strengthening the voices of local people. They are hopeful that by providing better education and spreading awareness about rights, irrespective of caste and gender, they will be able to transform the community.



They were asked if it was difficult to make the shift of leaving secure jobs to work for society. They responded,

"Not at all! It's like changing your watch to a different time zone when you travel outside the country. You have to shift to a different pace, different cultural milieu and become friends with the people you work with. The fact that we didn't have a phone, quick means of transport, or even electricity sometimes for days or weeks gave us the opportunity to stay put in the semi-accessible village, and not keep coming to the city frequently".

MASUM is currently running six programmes which relate to:

- women's rights to emotional and physical health,
- women's rights to a violence free and discrimination free life,
- women's rights to political participation,
- women's rights to economic empowerment,

- rights of children,
- rights of adolescents and youth.

Every programme in MASUM is right-based. The community programmes work for women in about 20 villages in Pune and Ahmednagar districts in Maharashtra. Their Health Initiative works with three Primary Health Centres and covers almost one lakh people. In order to empower women economically, MASUM has installed eight looms where weaving is done by women of Malshiras and of eighteen neighbouring villages. This not only allows women to earn an income, it also makes them confident, independent, and capable of standing for themselves. Women have thus become truly active participants in the process of social change and not just its beneficiaries.

Not everybody is willing to accept this change. Helping women who face emotional and physical violence sometimes pits the organisation against the perpetrators of such acts. The couple remain





unfazed by such threats. Dr. Gupte expresses her response in the following words:

“Being unpopular among these detractors is a validation of one’s work. It means that social change is happening. MASUM’s leadership is rural and from marginalized sections, so obviously there was going to be some disapproval. The threat is not to us, but to the fact that we are developing leadership of women inside and outside the home. Our colleagues are empowered enough to deal with obstacles in a peaceful, democratic and collective manner. We always remained transparent with the community about our work, motives, accounts and ideology. That helped to create trust. We never use humiliation to deal with a perpetrator. We never take the help of brutal force, such as allowing the police to enter homes without a warrant or beating up someone in custody, however angry we are with the perpetrator. People begin to understand that we are against their way of using power against someone who is vulnerable, but we are not against anyone at an individual level”.

The road to better existence is never smooth or easy, but once crossed there is no need to look back. MASUM has become well known and is able to

garner regular financial support via funding from various sources and has bagged the **Global CSR-Excellence and Leadership Award 2018**.

Change is the only constant in life and a sign of evolutionary development. Nevertheless, their inner commitment to progressive social transformation through democratic means remains unchanged, according to Dr. Gupte, as does their effort to facilitate the emergence of leadership from among those subject to inequality. In the process, however, they too have learnt and evolved through the wisdom of others and their own existential realities.

“As more and more marginalised or subordinated groups organise themselves, we learn from them and accommodate that learning into our theory and practice. Our understanding of disability rights, NT-DNT groups, LGBTQI+ politics, sex-workers’ rights came out of the struggles of those who lived these lives. We re-examined our earlier politics and engendered our work with this ever-increasing knowledge of intersectionality of vulnerability and power”.



By 2010 MASUM was well established and therefore Dr. Gupte withdrew from its leadership position to pave the way for the second generation of leaders to shoulder the responsibility of heading the initiative. She remarks, “it is hard to leave a place that you have formed and nurtured throughout your life but it has to go on and it does”. They feel that the values and life goals remain unchanged through

good and bad times. She believes in the strength of people and doing collective good, and also that ultimately social justice will prevail.

“True love is not possessive. It sets you free. Our commitment is to social change, and MASUM is only one of the means of achieving that. Local people should have the leadership and decision-making in changing their destinies; ‘outsiders’ like







us should only be catalysts to bring about empowerment, make people realise that they are entitled to a life of dignity and rights, and freedom from discrimination, violence and fear. Once individuals and collectives realise their own potential to achieve their aspirations, it's time for us to withdraw, or the endeavour will weaken. If we want MASUM to continue, we have to hand it over during our lifetimes, and while we still have the energy to assert the values enshrined in the Indian Constitution. If MASUM goes against the values of secularism, democracy, equality, diversity and social justice, its existence would do more harm than good".

She further adds, "Sometimes it is difficult to believe that we're going to see a progressive India in our lifetimes. There are so many people who cannot afford vegetables, fruits or pulses in their diets, while a handful of rich grow richer and flaunt their wealth with great impunity. However, we cannot measure history with a personal yardstick, and so we continue to believe that the younger generations will bring about change and will put India on the map of an economically and socially progressive and just world. So the work has to continue, like a relay race where the earlier generation hands over the torch to the next one, knowing that the flame will be protected and cherished".

MASUM started off as just a dream. However, hard work and dedication transformed this small initiative into a movement that has brought significant changes at the grassroots level.

#### Reference

1. Judith Marjorie Collins is an American singer and songwriter known for her eclectic tastes in the material she records and for her social activism.





## Knight Against Human Trafficking

### SISTER ANNIE JESUS MARY

Sister Annie Jesus Mary is an empowered, determined woman who fights tirelessly against the evil of child trafficking in Chhattisgarh. She takes care of women, rescuing them from human traffickers and empowering them by engaging them in income generating activities through various initiatives.

She was born in Sinnandipatti village in Tiruchirapalli district of Tamil Nadu. Being the only girl child of the family, she was showered with love and affection; nevertheless, she learnt the meaning of personal dignity at an early age. At a very young age she made up her mind to work towards the betterment of the economically weaker sections of society and ensure equal opportunities for girls. This decision came to define her future life.

Against strong opposition from her family, she joined the **Franciscan Missionaries of Mary (FMM)**, a congregation that is part of the Christian Roman Catholic Church. She took her initial vows in May 2002 and her final vows in November 2008. To meaningfully serve the society, she chose to pursue a master's degree in social work from Chennai. During the course of her degree she had to interact with child beggars, many of whom were trafficked to Chennai from northern India. Such was her commitment to the cause that she also did a diploma in Hindi in order to communicate directly with these children.











Jeevan Jharna Vikas Sanstha (JJVS), a government-funded NGO in Jashpur. Launched in 2012, the JJVS is working for the welfare and safety of women with special focus on human trafficking. Sister Annie is currently the director of JJVS.

Sister Annie's journey has not been easy. She has faced a lot of obstacles, including verbal threats from the families of victims and from criminals, offers of bribes to withdraw cases and lack of support from multiple groups such as the parents of victims, the police, the local governments and the panchayats. The only support she has received has been from the United Nations International Children's Emergency Fund (UNICEF). Ms. Gargi Saha, a Child Protection Officer, working with UNICEF, Raipur, has worked closely with Sister Annie. Together with their teams the two have organised and participated in many street plays, wall-writings, documentary movies and rallies to create awareness about anti-trafficking activities from 2011 onwards. In the last five years the UNICEF team has covered 71 panchayats, 180 villages, 63 schools and five districts and conducted training and workshops at the level of the state.



The FMM is a group of nuns working in Delhi for the social and economic upliftment of girls and women who are survivors of trafficking. Sister Annie's work brought her to Chhattisgarh, a state rich in forests, waterfalls, minerals and temples. However, amidst this natural bounty, the predominantly tribal population suffers from poverty, unemployment and illiteracy. In the absence of basic facilities and lack of educational and employment opportunities, these simple people become easy victims of human trafficking. Jashpur district of Chhattisgarh has become the unofficial capital of this inhuman trade, although other parts of India are also not free of this malaise.

As per the data provided by Sister Annie, over 20,000 girls from tribal communities from Jashpur alone have been trafficked to metropolitan cities like Delhi, Mumbai and Bengaluru. They were lured by false offers of jobs and training opportunities. Of the nearly 65,000 children who went missing between 2001 and 2013, 70% were from Jashpur. 40% of such children remain untraced. Between 2011 and 2017, 123 girls and 68 boys have been rescued through the efforts of the



The work done by JJVS is best illustrated by Seema's story (name changed). The JJVS staff had been conducting a door-to-door survey to identify children who had dropped out of school. They found Seema, a 14-year-old minor who had become pregnant after being raped. She was receiving death threats from the perpetrators of the crime, and a sense of fear and shame kept her confined to her home. Her parents, too, were reluctant to pursue the case. It took persistent counselling to persuade the family to file a case. Sister Annie was threatened by

the culprits and other villagers who supported the perpetrators of the crime. The policemen were also disinclined to file an FIR as the rapist belonged to their caste. Unfazed by all this, Sister Annie succeeded in lodging a case and following a trial, the culprits were jailed for 10 years. The minor girl was given protection by the District Child Welfare Committee. She delivered a baby boy in January 2016 after which her family refused to accept her. Entrusted to the care of JJVS, she overcame her trauma and resumed her studies.







certificates were issued to them. When the girls returned with renewed assurance about their lives, they were supported by JJVS in establishing a bakery shop of their own. Nine years since Parvati was trafficked, she supports herself through the **Beti Zindabad Bakery** in Jashpur, Chhattisgarh, along with other girls rescued from trafficking. This bakery was inaugurated in 2017 through the efforts of Sister Annie and Ms. Saha. Starting this bakery was not an easy task as it was hard to find investors. Eventually the State Bank of India agreed to grant a loan under a tribal scheme, which the bakery is still paying back in instalments. The young brave-heart Parvati was selected by the **Ministry of Women and Child Welfare**, New Delhi for the **Nari Shakti Award** which carries a cash award of Rs.1 Lakh. This year the awards were given by the President of India.

Sister Annie has single-handedly made a tremendous contribution towards women empowerment and has given many girls a new life and solid goals.

The work of JJVS does not end with creating awareness and rescuing victims of human trafficking. It also works towards their rehabilitation in the event of non-acceptance by their families by skilltraining them to enhance their livelihood opportunities and making them self reliant. JJVS believes in capacity building, counselling and training the victims and rural women for empowering them.

Another inspiring real-life story is that of Parvati, a 22-year-old girl and a survivor of human trafficking. At 13, she left her home hoping to better her lot and contribute financially to her family. She worked as a domestic help in many homes, facing abuse and torture. She was often beaten up and not paid for her services. While in Dehradun, she happened to watch a crime show on TV which inspired her to dial 100 for help, following which she was rescued by the police. Parvati was among the 20 such rescued girls who were skilled by JJVS in making and marketing bakery products in Pune, and





## Shattering the Stereotypes

### VIDYA NAMBIRAJAN

"Feminism isn't about making women strong. Women are already strong. It's about changing the way the world perceives that strength."

These words of G.D. Anderson<sup>1</sup> truly underline the charisma of Ms. Vidya Nambirajan, a crusader against gender inequality and one who has carved a niche for herself and for many other women in the servicing and technical training segment of the automobile sector. She has honed her skills to suit the requirements of her job, and has provided numerous platforms for the potential of other promising talents to thrive.

The second of three siblings, Ms. Nambirajan was born on 12<sup>th</sup> April 1966. She completed her schooling from Delhi and Hyderabad and graduated from a government institution with Zoology, Botany and Chemistry as her subjects. She could not pursue further studies and was forced to take up a teaching job due to family constraints. Subsequently, she started her decade long corporate career in HCL (Hindustan Computers Limited) and rose to elite positions of Regional Manager and General Manager in Annapoorna Foils and with the Shalivahana Group.

In 2001, when her father developed a severe ailment, Ms. Nambirajan relocated to Hyderabad to take care of her parents. It was then that for the first time she ventured into the field of automobiles, overseeing the operations at her father's workshop, the **Paramount Auto Bay Services**<sup>2</sup>. The truism of S. Truett Cathy's<sup>3</sup> words, "Love your work and you will never have to work again" was best reflected in her supervisory work.







Ms. Nambirajan worked extremely hard in the field of automobile servicing, a work considered to be completely and unequivocally a preserve of men. A combination of sheer perseverance and toil helped her accomplish all that she has done till today. Coming from the sophisticated corporate sphere, Ms. Nambirajan had to deal with a number of egoistic and male chauvinist mechanics. Initially, they found it hard to trust her understanding of the vehicles and had huge acceptance issues when asked to report to her. People tried to discourage her from running the workshop, suggesting further, that it was not a dignified job. Any recommendation from her side would be put under the scanner while the same advice coming from a male mechanic would get immediate acceptance. It was then that Ms. Nambirajan decided to further enhance her technical skills and knowledge.

She studied the industry fundamentals and exposed herself to hands-on training with the equipment. She tied up with various car companies in a bid to get acquainted with new cars. Ms. Nambirajan built her own team, recruiting more girls and training them under her watchful sight. To counter the issue of physical capacity, she introduced a number of pneumatic tools in her workshop.

Not only did Ms. Nambirajan want to prove her mettle, she also wanted to re-engineer the work-ethics. She followed the Japanese principles of 5 S: Sort, Set In order, Shine, Standardise and Sustain, while keeping an eye on the upgraded technology in a highly dynamic industry. She nurtured the values of dignity and self esteem in her employees, and encouraged them not to take tips. Her efforts bore fruit, as **Paramount Auto Bay Services** became the first **ISO certified garage** in Andhra Pradesh/Telangana.



according to Ms. Nambirajan, being a highly trained technician is a career.

She is the first woman entrepreneur in the garage business and also to train women as mechanics and technicians.. She has now joined hands with the Automotive Skill Development Council (ASDC) and the All India Automobile Workshop Association (AIAWA) for professional recognition and certification for technicians for improving their prospects in the industry. The training is in conformity with the standards of National Skill Development Corporation. Her students were the first batch of students in India to be assessed by the NSDC.




As she grew in experience and confidence, Ms. Nambirajan started training young men and women. She discovered that women acquired this skill quickly and unlike their male counterparts, were more committed and accountable for their work. According to her, men are result- oriented while women are process driven as they possess the productive capacity and a talent for nurturing. Paramount has the unique reputation of training girls and employing them. This encourages women in large numbers to come forth for training and empowers them by making them financially independent.

To ensure that the initial difficulties that beleaguered her did not bother the newcomers in the industry, Ms. Nambirajan established the **Nambirajan Foundation Automobile Academy** that trains graduates as automotive technicians, gratis. This institute is unique as the students gain hands-on experience alongside classroom learning. The training also provides scope for self- employment as the trainees are able to set up their own garages with financial assistance from banks. While being a mechanic is simply a job







*"Today I thank all those who said no to me because had it not been for them I wouldn't be what I am today. It is thanks to them that I learnt so much".*

*"Many a times I would want to run away from this, but again I would motivate myself and come back to work. I always wondered who motivates a bird to fly high - the bird itself"*

*"My dream is to see an all-women run workshop one day. We women should help one another by empowering other women, either by leading or guiding."*





Ms. Nambirajan has also tied up with the Indo-German Chamber of Commerce (IGCC) as vocational training partner to train automotive technicians in India, certified by Dual Pro. Her students work abroad as automotive service providers via three month on-the-job German Certification Course. She has also ensured the institute is DAKKS<sup>4</sup> accredited- a German certification for quality management.

This is just the tip of the iceberg. Ms. Nambirajan has left no stone unturned to upgrade the quality of her work and to train other people, especially girls, in this field. She has since tied up with SES Germany and hired a German for training people on high end cars to scale up the quality of technicians. Nambirajan Foundation Automobile Academy is affiliated to ASDC, and rated as a 4-star training centre. The academy was selected as international migration skill training centre. She has also started a consultancy in setting up garages, and has set up a garage for Delhi Public School, Nacharam, for their fleet service. She has tied up with Mahindra as the franchise partner for used cars. Ms. Nambirajan is the state coordinator for Telangana and AP AIAWA.

She is the recipient of the **Indian Women Network** by Confederation of Indian Industry (CII), an award honouring women entrepreneurs for their path-breaking contributions as well as the **Jaycee Udyamarathna puraskar** by Jaycee for her innovative ideas.

Smilingly thinking of yesteryears, Ms. Nambirajan expresses her gratitude to all those who did not believe in her, as they were the ones who ignited her spirit to learn. She believes that she has made it big due to her father's encouragement and her own perseverance. "Many a times I would want to run away from this, but again I would motivate myself and come back to work. I always wondered who motivates a bird to fly high - the bird itself", she recalls. Self-confidence, self-motivation and commitment are the keys to success, which may take time but is eventually achievable. It is this thought process that has enabled her to touch and improve the lives of many. Today, she has technological systems in place, but is unable to retain the women technicians, as the families are reluctant to support their professions citing security concerns. Despite this, the dynamic and ever-optimistic entrepreneur dreams to see an all women run workshop one day.

#### References

1. G.D. Anderson is a globally recognised writer, feminist, activist in the field of women's rights.
2. Paramount Auto Bay Services-Mathura Nagar, Sainikpuri, Secunderabad, Telangana.
3. Samuel Truett Cathy was an American businessman, investor, author, and philanthropist. He founded the fast food restaurant chain Chick-fil-A.
4. DAKKS is the national accreditation body for the Federal Republic of Germany. It acts in the public interest and as the sole provider of accreditations in Germany.





# SEXUAL HARASSMENT:

## Workplace

Over four decades and more, the dynamics and gender-based configuration of workforce both in private and public sectors have undergone a drastic change. In what was typically a male oriented world, women have steadily gained greater employment and visibility in every possible field of work. Some regional variations notwithstanding, available data suggests similar trends worldwide. This has given rise to various issues related with safety, security and integrity of women in their personal and professional spaces, having tremendous impact on their physical, emotional and social well-being. What used to be aberrations and isolated incidents, sexual harassment at workplace has assumed alarming proportions now and needs redressal at legal, political, social and familial levels, both nationally and internationally.

The exponential growth in incidents of sexual harassment at workplaces has brought to the forefront an issue that was hitherto taboo. It has stirred the conscience of law makers, executors of law, judiciary and the Fourth Estate, i.e., the media, with the result that now even the so-called great old tradition-loving people, the self-appointed guardians and protectors of cultural values, are coming under the scanner of law and public shame. Women, who usually do not speak of any acts of sexual harassment meted out to them in various forms at their workplace, have started to muster courage to speak out against their male tormenters and the issue is very much on the national agenda as of now. With the recent surge in newly-coined term **MeToo**, more and more women, both celebrities and ordinary, are coming out of their mental closet and are publically articulating the harassment they face at their work places. This changed scenario prompts a serious analytical exploration into what

our legal and political agencies entrusted with the task of safety and security of half of its population are actually doing and what further steps are needed to ensure a respectful and safe work environment for women.

### WHAT CONSTITUTES SEXUAL HARASSMENT AT WORKPLACE?<sup>1</sup>

Sexual harassment includes any of the following unwelcome acts of behaviour:

1. Physical contact and advances;
2. Demand or request for sexual favours;
3. Making sexually coloured remarks;
4. Showing pornography;
5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;



The following circumstances may also constitute sexual harassment --

1. Implied or explicit promise of preferential treatment towards female employee or colleague;
2. Implied or explicit threat of detrimental treatment in her employment;
3. Implied or explicit threat about her present or future employment status;
4. Interference with her work or creating an intimidating or offensive or hostile work environment for her; and
5. Humiliating treatment likely to affect her health or safety.

The above definition was laid down by the **Hon'ble Supreme Court of India in Vishaka** and others versus the State of Rajasthan and others (1997).

### EVOLUTION OF LEGAL AND LEGISLATIVE MEASURES AGAINST SEXUAL HARASSMENT AT WORKPLACE

Every incident of sexual harassment of women at workplace results in violation of the fundamental rights of women. It is the clear violation of the **RIGHT TO EQUALITY- Article 14**; **RIGHT AGAINST DISCRIMINATION ON BASIS OF SEX- Article 15**; **RIGHT TO PRACTICE ANY PROFESSION, OCCUPATION OR TRADE- Article 19-(1) (g)** and the **RIGHT TO LIFE AND LIBERTY- Article 21**. It is a violation of these rights guaranteed by the Constitution of India.

#### 1) Protection under Indian Penal Code, 1860<sup>2</sup>

Earlier, in the absence of any specific law to deal with the offence of sexual harassment, the Indian Penal Code, 1860 was used to punish the offender with respect to the nature of the act committed by him. The following sections of Indian Penal Code, 1860 cover the acts of sexual harassment:

- **Section 292:** Obscenity;
- **Section 354:** Criminal Force or Assault Intended to Outrage the Modesty of Women;



- **Section 354-A:** Sexual Harassment;
- **Section 354-B:** Assault or Use of Criminal Force Towards a Woman With Intent to Disrobe;
- **Section 354-C:** Voyeurism;
- **Section 354-D:** Stalking;
- **Section 375:** Offence of Rape;
- **Section 509:** Words, Gestures or Act Intended to Outrage the Modesty of Women.

## 2) Indecent Representation of Women (Prohibition) Act, 1986<sup>3</sup>

If an individual harasses another with books, photographs, paintings, films, pamphlets, packages, etc. containing “indecent representation of women”; he can be booked under the Indecent Representation of Women (Prohibition) Act, 1986 and is liable for a minimum sentence of 2 years.

## 3) Guidelines laid down in Vishaka Case<sup>4</sup> - The landmark judgment that dealt with sexual harassment at workplace.

In this case a social activist, Bhanwari Devi, was alleged to have been brutally gang raped in a village of Rajasthan for stopping a child marriage in 1992. In order to get justice, Bhanwari Devi lodged a case against the offenders. However, the accused were acquitted by a trial court. Thereafter, women groups filed a Public Interest Litigation (PIL) in the Supreme Court under the collective platform of Vishaka, against the State of Rajasthan to enforce the fundamental rights of working women. Considering the significance of “International conventions and norms” to guarantee gender equality and right to work with dignity, the Supreme Court of India in 1997, formally defined Sexual Harassment and set guidelines for employers which are known as Vishaka Guidelines.

Before 1997, there were no formal guidelines to deal with incidents of sexual harassment at

workplace. Women who experienced any kind of sexual harassment at workplace had to lodge a complaint under Section 354 of the Indian Penal Code that deals with the “Criminal assault of women to outrage women’s modesty” and Section 509 that punishes someone for using a “word, gesture or act intended to insult the modesty of a woman”.

Under the Supreme Court judgement for Vishaka Case, the Court emphasised that this would be treated as the law declared by Court under Article 141 of the Constitution. To curb the menace of sexual harassment at workplace, the Court laid down the following guidelines:<sup>4</sup>

### PROVISIONS OF THE VISHAKA GUIDELINES

- All employers or persons in charge of work place whether in the public or private sector, are dutybound to take appropriate steps to prevent / deter sexual harassment and facilitate the resolution and settlement or prosecution of acts of sexual harassment.
  - They are required to issue notifications for the prohibition of sexual harassment at workplace for the employees.
  - The Rules/Regulations of Government / Public Sector organisations should include conduct and discipline rules prohibiting sexual harassment and provide for appropriate penalties against the offenders.
  - In private sector, employers should take steps to include the aforesaid prohibitions in the standing orders under the **Industrial Employment (Standing Orders) Act, 1946**.
  - Appropriate work conditions and environment should be provided to women at work places.
- Complaint Mechanism:** An appropriate complaint mechanism should be created in each organisation for redressal of the complaint made by the victim.
  - All workplaces with 10 employees or more are

required to constitute an **INTERNAL COMPLAINTS COMMITTEE (ICC)** to probe an allegation. The committee will have to be constituted at all units or offices of a company. ICC should ensure time bound treatment of complaints.

- ICC should provide, where necessary, a special counsellor or other support service to the complainant and also ensure maintenance of confidentiality if asked by the victim.
  - ICC should be headed by a woman, should have at least 4 members with at least half women members and the presiding officer will have to be a senior level woman worker.
  - To prevent the possibility of any undue pressure or influence from senior levels, ICC should involve an external member – from an NGO working on women’s rights or a related area.
  - The employer needs to ensure that the complainant or witnesses are not discriminated against and victim has the option of seeking transfer of the perpetrator or her own transfer.
  - If such conduct of harassment amounts to a specific offence under the Indian Penal Code or under any other law, the employer shall make a complaint with the concerned authority for initiating appropriate action in accordance with law.
  - Workplaces with less than 10 employees need not form an internal complaints committee and all complaints will go to the **Local Complaints Committee (LCC)** set up as per the Act by district officers in each district.
  - Every organisation must make an annual report of all the complaints received and action taken by them, and send this report to the Government department concerned.
  - The employers and person in charge of the committee should be enrolled under the government.
- (c) **Workers initiatives:** Employees should be

allowed to raise issues of sexual harassment at workers meetings and in other appropriate fora and it should be affirmatively discussed in Employer - Employee Meetings.

- Awareness:** Proper awareness of the rights of female employees regarding sexual harassment should be created by notifying/advertising the guidelines in a suitable manner.
- Third Party Harassment:** Where sexual harassment occurs as a result of an act by any third party or outsider, the employer and person in charge will ensure assistance to the affected person in terms of support (legal and emotional through counsellors) and preventive action.

The court directed that the above guidelines / norms would be strictly observed in all (government/ private) organisations / work places for the prevention of sexual harassment and enforcement of the right to gender equality of the working women until a suitable legislation is enacted to occupy the field.

Legal provisions after complaining to the ICC include filing a criminal case under sections of the IPC, the Indecent Representation of Women (Prohibition) Act and/ or filing of a civil suit by the aggrieved woman against the offender based on the report and recommendations of ICC.

- POSH Legislation–Protection of Women from Sexual Harassment at Workplace Bill, 2007:** To achieve gender empowerment and equality, the **Ministry of Women and Child Development** initiated the process of implementing a law for protection of women against sexual harassment at workplace in 2007. The Union Cabinet approved the Protection of Women from Sexual Harassment at Workplace Bill, 2007 in the month of May, 2012 to ensure a safe environment for women at work places, both in public and private sectors whether organised or unorganised. This Bill was completely adopted in 2013 and was passed and legislated by the Parliament titled as



### ***Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2013<sup>5</sup> (POSH).***

The final legislation (POSH) ensures that women are protected against sexual harassment at all the work places (public / private). The sense of security at the workplace will improve women's participation in work, resulting in their economic empowerment. The Bill provides protection not only to women who are employed, but also to any woman who enters the workplace as a client, customer, etc. Students, research scholars in colleges/university and patients in hospitals have also been covered. Thus, apart from office, any place visited by an employee during the course of employment, including transportation provided by the employer for the visit, is covered under the Act. Harassment which takes place during a lunch meeting at a restaurant is also covered.

Further, the Bill seeks to cover workplaces in the unorganised sectors. The Bill provides for an effective complaints and redressal mechanism. It requires that an **Internal Committee (IC)** should also be constituted in every organisation. Thus, after 16 years of Supreme Court judgement in Vishaka case, the Parliament passed a formal Act / legislation, which supersedes the Vishaka guidelines introduced earlier. By passing this bill, India fulfils the **Convention on the Elimination of all forms of Discrimination against Women (CEDAW)** adopted by the **General Assembly of The United Nations in 1979.**

- Under Posh legislation, the definition of sexual harassment is as given at the beginning of this article.
- Under this Act, the employer is any person responsible for the management, supervision and control of the workplace and the

management includes the person, board or committee responsible for formulation and administration of policies for such organisations.

- A workplace, under this Act, is defined as any Private/ Public/ Government organisation/ enterprise/ society/trust or service provider, and places visited by employee during the course of employment, including transportation provided by employer for undertaking journey. If harassment takes place even during a lunch meeting at a restaurant, it will be covered under the Act. The definition of workplace is thus made much wider for providing a suitable atmosphere to the female employees even while on the move for their work.
- Any workplace with 10 employees or more is required to constitute an **Internal Committee (IC)** to look into the cases of sexual harassment. Such IC has to be constituted at all administrative units/ divisions/subdivisions of the organisation.
- The IC must have minimum of 4 members, with at least half women members. A presiding officer must be appointed from among its members for each IC, and that officer must be a woman at a senior level in that office.
- If a workplace has less than 10 employees, then it need not form an IC. Any complaint of sexual harassment in such an organisation will go to the **Local Complaint Committee (LCC)** set up by the officers of that district. Moreover, if the complaint is against the employer himself, then it must be lodged in LCC.
- A complaint of sexual harassment at any workplace can be filed with IC or LCC within 3 months of the incident and this period can be extended for another 3 months in special cases. If the aggrieved woman is incapable of filing her complaint due to some reasons, her co-worker/ relative/ friend/ her legal heir/ an officer of NCW, may file a complaint on her behalf with her permission.
- If the 2 parties agree for reconciliation with the

permission of IC, no monetary settlement is allowed. The IC must hear both the parties without any prejudice and complete the process of inquiry within 90 days. The IC must make independent inquiry without interference from any lawyer of the concerned parties.

- The IC should submit its recommendations/ report to the organisation and to the concerned parties within 10 days of completing the process of inquiry. The organisation will be required to act on these recommendations within 60 days.
- The company/ organisation must submit an annual report to the District Officer stating the cases related to sexual harassment and how these were settled by the IC.
- The aggrieved woman is entitled to seek leave from the organisation for up to three months during inquiry period, or may seek her own transfer or transfer of the offender.
- In case the offender is senior to the victim, the IC may restrain the offender from making performance reports of the aggrieved woman and this task may be assigned to someone else.
- The IC may recommend compensation to the complainant based on her emotional, financial and physical condition and looking at the opportunities she lost in her career.

#### **DUTIES OF AN EMPLOYER**

- An employer is responsible for providing a safe working environment to the employees.
- The list of all consequences of sexual harassment and the list of members of the IC should be properly displayed in the workplace.
- Workshops and sensitisation programmes should be regularly organised for employees as well as for members of the IC to make them aware of prohibition, prevention and redressal techniques regarding sexual harassment.
- Employer should formulate and properly advertise a resolution or policy charter for

#LawExplainers

## **Sexual Harassment Of Women At Workplace Act, 2013**





prevention, prohibition and redressal of cases of sexual harassment at workplace.

- The employer is duty-bound to provide all necessary facilities to the Internal Committee for conducting any inquiry.
- The employer should submit the annual report of all complaints received and addressed to the district officer.

#### PUNISHMENT TO VIOLATORS UNDER POSH<sup>6</sup> AND CRIMINAL LAW (AMENDMENT) ACT, 2013<sup>6</sup>

- A jail term of 1-5 years and a fine for inappropriately touching a woman;
- A jail term of 1-7 years and a fine for observing, capturing or distributing images of a woman without her knowledge;
- A jail term of 3 years and a fine for using words, gestures to outrage a woman's modesty;
- A jail term of 5-10 years and a fine for consensual sex with a subordinate.

#### PENDING CASES: REGARDING SEXUAL HARASSMENT AT WORK PLACES

Recognising and classifying 'wrong' or 'bad' workplace behaviour may be difficult as this understanding depends on multiple factors, from workplace culture to the cultural settings of the different co-workers. Women often fall prey to harassment leaving a despairing effect on their mental, emotional and physical health and performance. Several incidents go unreported by the victims as they are unaware of their rights, redressal mechanisms and committees that help resolve issues. According to a 2017 NDTV report<sup>7</sup>, many corporate bodies listed below took proactive measures in the wake of rising number of cases of sexual harassment at workplace :-

- Under the regulations formed by **Securities and Exchange Board of India (SEBI)** all

listed companies need to disclose the number of complaints relating to sexual harassment and pendency data at the end of the financial year in their annual reports.

- Infosys said that it received 88 complaints of sexual harassment in 2016-17 out of which five cases were disposed of by conciliation (as against one in previous fiscal year), 72 were disposed of by disciplinary actions.
- Wipro said that a total of 116 complaints of sexual harassment were raised in 2016-17, of which 102 cases were disposed of and appropriate actions were taken in all cases within the statutory timelines.
- In Tata Consultancy Services, 65 complaints of sexual harassment were reported for the year 2016-17 of which four were pending at the end of the fiscal year.
- Kotak Mahindra Bank disclosed having received 19 complaints during 2016-17 out of which 12 were disposed of and enquiries were in progress in the pending 7 cases at the close of the year.
- Tata Steel reported 26 such complaints during 2016-17 of which 19 were resolved by taking appropriate actions and remaining 7 were under investigation.
- Pharma major Cipla said a total of 3 cases were reported during 2016-17, and all had been appropriately addressed.

Sexual harassment is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. It is not consensual interaction, flirtation or friendship. All incidents of sexual harassment, irrespective of being big or small or in spite of who is involved, require quick and appropriate responses from employees or managers.

#### #Me Too

The **#MeToo** movement initiated in 2006, began with the intention of empowering women and helping them speak out about the incidents of sexual harassment that happened with them at some point of life.

- **Me Too** movement was founded in 2006 by Tarana Burke, an African-American civil rights activist from New York, to help survivors of sexual violence, particularly young women from black, low wealth communities, find pathways to healing<sup>8</sup>. The idea behind **Me Too** was empowerment through empathy, letting other women know that they're not alone in the journey. Moreover, the movement intended that the perpetrators are held accountable and proper laws and strategies are implemented to make long term positive changes.
- This historic movement, which was initiated around 12 years ago, became famous only in last two years via social media channels. Now, women across the globe are sharing their anguish against sexual harassment through it. Most of the cases are shared through online resources like Twitter, Facebook, etc.
- The **#MeToo** movement began as a hashtag on Twitter in 2017 amid the Weinstein incident, after the New York Times published reports of decades of alleged sexual harassment and assault on numerous women by Hollywood producer Harvey Weinstein<sup>9</sup>. Since then, it has become a global phenomenon. Actress and activist Alyssa Milano kick-started the online **#MeToo** movement when she exposed how she was sexually assaulted 30 years ago but never reported it to the police as she wanted "nothing more than to forget that horrific incident"<sup>10</sup>. The movement soon found support from noted Hollywood actors like Gwyneth Paltrow, Ashley Judd, Jennifer Lawrence and Uma Thurman.
- India's **Me Too** movement also occurred in

2017 in the Malayalam film industry, even before allegations against Harvey Weinstein sparked the movement in the US. At that time, however, there was no support from Hindi Film artists. A year later, in September 2018, Tanushree Dutta's accusation of sexual harassment against Nana Patekar<sup>11</sup> led to a spate of public accusations from a number of women in the film industry. The **#MeToo** accusations had such an impact that actors like Akshay Kumar, Amir Khan have started to distance themselves from the film production houses involving any accused.

- 9,78,000 **#MeToo** tweets in India were recorded in October 2018, and this exceeds the USA high of September 2018<sup>12</sup>. Thus, Twitter saw more **#MeToo** tweets from India in October than any single month in the USA over whole year of 2018.
- Twenty-one years after the Vishaka Guidelines, which is a set of procedural rules on Sexual Harassment at the Workplace, and five years after the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 came into existence, a wave of the **#MeToo** movement has finally reached India, and this has put us face to face with the existing gaps in the implementation and enforcement of legislative framework that govern sexual harassment in the workplace.
- Vinta Nanda, a veteran writer-producer of the avant-garde 1990s show **Tara** fame, accused actor Alok Nath -- known for his sanskaari(pious) on-screen image -- of sexually violating her almost two decades ago<sup>13</sup>.
- Kangana Ranaut, an actress who worked with Vikas Bahl in the movie **Queen**, his 2014 hit film touching on female empowerment, came out and said that the director would "bury his face in my neck and hold me really tight". Vikas was accused of sexual misconduct at a 2015 Phantom Films party in Goa. Later, it was announced that Phantom Films, co-owned by



Vikas Bahl along with other filmmakers, had been dissolved over allegations against Bahl<sup>14</sup>.

- Chetan Bhagat, one of India's top-selling authors, got himself embroiled in the movement when a woman shared screenshots of WhatsApp conversations between them. The author then went on to issue an apology on Facebook<sup>15</sup>.
- Actor Rajat Kapoor has been called out for alleged sexual harassment on Twitter by two women accusing him of inappropriate behaviour. One journalist shared details of a telephonic interview in which Mr Kapoor allegedly asked her if she was "as sexy as she sounds" and "tell me your vital stats." Rajat later posted an apology on Twitter<sup>16</sup>.
- Journalist Prashant Jha stepped down as Chief of Bureau and Political Editor of Hindustan Times and the media house started looking into the allegations of sexual misconduct against him<sup>17</sup>.
- Former newspaper editor and politician MJ Akbar alleged to have harassed a US based journalist was subsequently accused of sexual misconduct by multiple women. He had to resign from his ministerial post over these allegations<sup>18</sup>.

### STRENGTHENING THE LAW REGARDING GENDER SENSITISATION AT WORKPLACE

The law mandates every company with ten or more employees is required to formulate a prevention of sexual harassment policy in accordance with the act, constitute an IC to handle sexual harassment issues, sensitise its entire workforce on prevention, prohibition and redressal of sexual harassment of women in the workplaces and handle incidents of sexual harassment as per the inquiry procedure laid down by the law. An organisation that ignores these guidelines is likely to attract serious penalties including cancellation of its business licence and funds.

### AWARENESS OF LAW

Every woman should be aware about the legal aspects of sexual harassment incidents at workplace and should know where to go if any such thing happens. In case of an incident of sexual harassment, a woman is required to file a complaint in writing to the internal committee.

### PROMPTNESS OF POLICE ACTION

Police should take prompt action in these cases. This will strengthen the legal measures adopted in the country.

### COUNSELLING

Sexual harassment at workplace is a sensitive issue. Mostly, victims prefer to remain mute and ignore the occurrence of any such incidence. Counselling is necessary at personal, financial and institutional levels. It should be provided to all women to help and encourage them to raise their voice against harassment.

### TO CONCLUDE

With the huge influx of women in the mainstream workforce worldwide, incidents of sexual harassment have grown manifold, prompting law makers and law enforcers to take steps to curb the menace and ensure enjoyment of fundamental rights of equality, right to life and right to equal status by women. Related laws have changed over time to accommodate societal changes. Today, sexual harassment in the workplace is a serious criminal offence, inviting strict punishment. Organisations having female workforce must play a proactive role and ensure that this issue is discussed as part of routine work. They must also provide emotional support to complainants. The staff must nurture an inclusive, supportive environment in the office in order to build a congenial working atmosphere. It is also important for each working woman to be aware of her rights and raise her voice against harassment at its first occurrence without waiting for a *Me Too* cry, as it is imperative to fight against injustice.

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# SEXUAL HARASSMENT:

## Domestic Space



It is widely recognised that violence against women is a major global problem which affects one in three women daily. The severity of the problem makes it imperative to focus on the diverse aspects of this scourge, understand and study the problem systematically so as to propose possible solutions. It is exigent to create awareness among women so that they strengthen themselves, stand up for their rights and stop the perpetrators of such violence.

Innumerable cases of domestic violence and abusive marriages exist in India where male authority is considered as supreme and unquestionable. Beginning with having full access to wife's financial and emotional well being, the grip may grow stronger with time leading to routine violent behaviour. Gradually, neighbours and relatives may stop asking about the bruises they see and the girl's own parents might start counselling their own daughter out of despair. Marital rape, beating, abusing, taking away financial security, threatening etc. can be the forms of an abusive marriage. As one victim recalls the horror of marrying an abusive man who had a severe drinking problem which led to extreme violent behaviour<sup>1</sup>, or another recalls how her husband pushed her into prostitution<sup>2</sup>. One woman remembers how her in-laws would constantly ask her to get money and expensive things from her father, and mistreat her

all the time, which finally led to the husband hitting his wife with an axe<sup>3</sup>. These are some horror stories defining domestic violence.

Prior to establishing the extent and severity of the issue, it would be pertinent to look at the various ways in which violence against women has been defined. The focus is on two definitions, one from the **United Nations** and the other from the **Indian Constitution**.

The United Nations defines violence against women as *any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life*<sup>4</sup>.

In India, **Section 3 of Protection of Women from Domestic Violence Act 2005 (PWDVA)** provides a comprehensive definition of domestic violence. According to this, any act of omission or commission or conduct of the respondent shall constitute domestic violence in case it :

- (a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do

so and includes causing **physical abuse, sexual abuse, verbal and emotional abuse and economic abuse**; or

- (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or
- (c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or
- (d) Otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

Violence in the above definitions refers not just to physical violence but also includes emotional, verbal, sexual and economic violence. Threat of violence is as serious a crime as the actual act of violence. Marital rape and unlawful demands of dowry are also recognised as harassment by the PWDVA.

### THE INDIAN SCENARIO

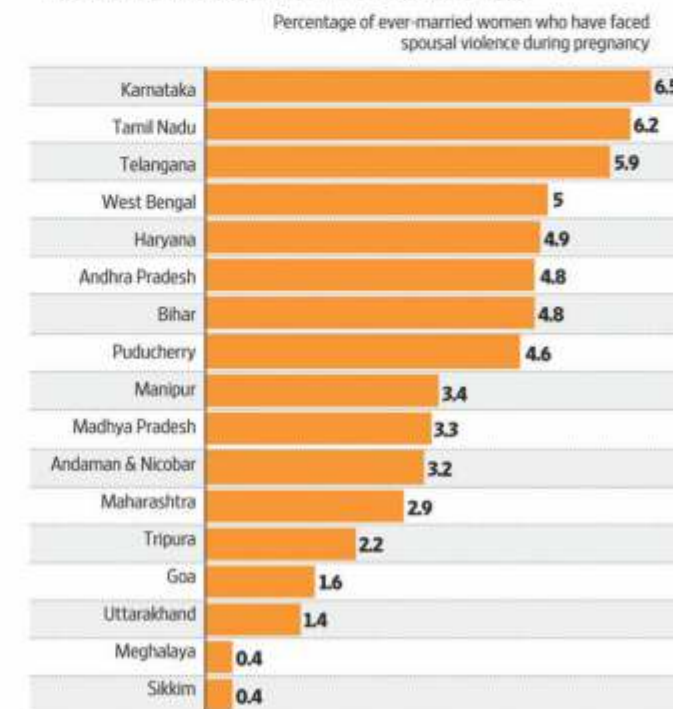
As per the media reports,<sup>5, 6</sup> the **National Family Health Survey (NFHS-4)** released by the Union Health Ministry in 2015-16 says that every third woman, since the age of 15, has faced domestic violence of various forms in the country. In the case of married women, husbands were reported to be the perpetrators of violence in more than 80% of the cases. Unmarried women were subject to physical violence from their mothers or step-mothers in over 50% of the cases, from fathers or step-fathers in 33% cases and from siblings in 27% of the cases. 15% of the unmarried girls reported teachers as the source of violence. 23% of the women surveyed in urban areas had experienced domestic violence, while the corresponding figure from rural areas was 29%. Nearly a third of married women had been at the receiving end of physical, sexual, or emotional violence from their husbands. Physical violence was the most common type of violence inflicted by husbands (27%), followed by emotional violence (13%).

The kind of injuries reported were grievous in nature and included damage to the eyes, sprains, dislocations, burns or serious wounds. A very small percentage (14%) of the women subject to such violence had sought help.

The National Family Health Survey-4 also collected data on the women who were assaulted during pregnancy. The following chart shows the dynamics of women who faced violence during pregnancy, in different parts of India.

The most surprising fact which emerges from the data of the survey is that 54.8% women largely in the age group of 40-49 years support domestic violence against women. Younger women are less likely to accept spousal violence although the difference is marginal. Acceptance of domestic violence and abuse in rural areas is 54.4% vis-à-vis 46.8% in urban areas. This raises serious concern as the possible cause of this behaviour is the deeply rooted patriarchal structure in Indian society which prevents women from even questioning traditional practices, no matter how anti-women these are. Factors such as lack of questioning, awareness and justification of domestic violence are the biggest hindrances to the prevention of violence and abuse.

### EVER-MARRIED WOMEN WHO HAVE EXPERIENCED VIOLENCE DURING ANY PREGNANCY (%)



Source: NFHS 4 report







## THE GLOBAL SCENARIO

Violence against women is no less in other countries of the world. Recent estimates from a number of sources and survey reports establish the extent of the problem by reporting acts of physical violence and also noting the acceptance of violence against women by men. Violence against women is also structured in the way traditions are followed and practiced in certain regions. Institutions and practices like child marriage and female genital mutilation are structural causes of violence against women.

More than 12.5 crore women alive today, mostly from Africa and the Middle East have been subjected to female genital mutilation. Prevalence tends to be lower among younger women, indicating a decline in this harmful practice. Even though such practices are widely condemned and are punishable offences, their occurrence is still high with 80 per cent ubiquity. Worldwide estimates show that nearly 65 crore women and girls were married before they attained the age of 18. Although there has been a decline in the global rate of child marriage in the past decade from one in four to one in five (aged 20-24), the practice remains common in Western and Central Africa where over four out of 10 women were married before their eighteenth birthday. Unfortunate results of child marriage are girls dropping out of school, early pregnancies and greater risk of domestic violence<sup>7</sup>.

The prevalence and acceptance of wife beating is common amongst both men and women and is seen as justifiable in a wide range of contexts. Greater acceptance of this malaise was found in Asia and Africa than in Europe and Latin America. Women's acceptance of such violence varied greatly from country to country being as low as 3% in Ukraine and as high as 92% in Guinea<sup>7</sup>. What is heartening is that acceptance is declining over time in most countries.

### SEXUAL VIOLENCE AGAINST WOMEN

Sexual violence is defined as: any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or acts

directed against a person's sexuality, using coercion by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work<sup>8</sup>. All over the world, many women are victims of sexual violence and in majority cases, the perpetrators of such crimes are their own husbands or intimate partners.

According to a report on violence and health by WHO<sup>9</sup>, a wide range of sexually violent acts can take place in different circumstances and settings. These include, for example: rape within marriage or dating relationships; rape by strangers; systematic rape during armed conflict; unwanted sexual advances or sexual harassment, including demanding sex in return for favours; sexual abuse of mentally or physically disabled people; sexual abuse of children; forced marriage or cohabitation, including the marriage of children; denial of the right to use contraception or to adopt other measures to protect against sexually transmitted diseases; forced abortion; violent acts against the sexual integrity of women, including female genital mutilation and obligatory inspections for virginity; forced prostitution and trafficking of people for the purpose of sexual exploitation.

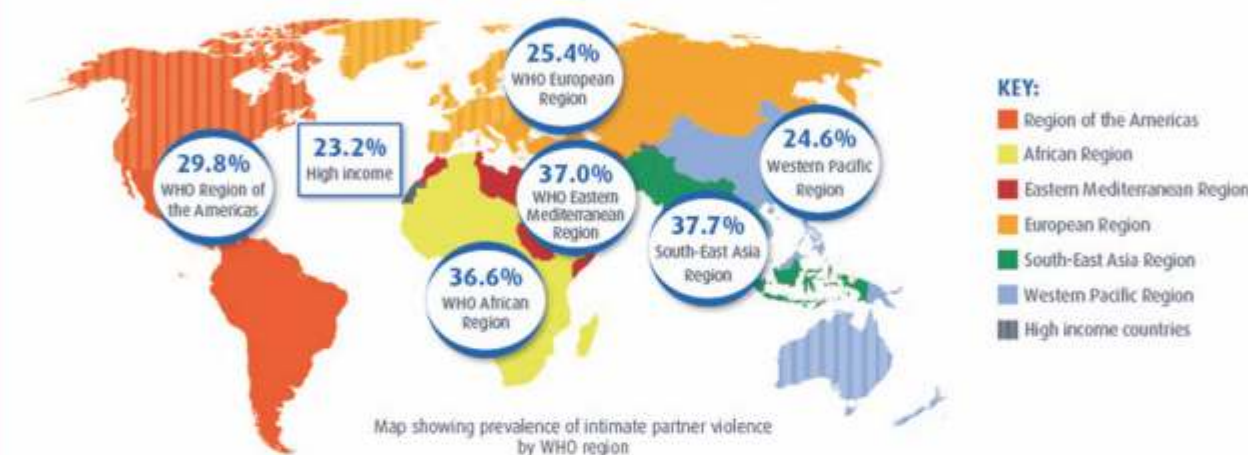
The data from NFHS-4 in this context<sup>10</sup> suggests that 29% of women have been victims of sexual abuse in their lifetime by their intimate partners. The same data shows that 22% of women are victims of non-partner sexual violence in their life time<sup>11</sup>.

As per a WHO report<sup>12</sup>, more than a third of women across the world have been subject to physical and/or sexual violence. Intimate partners were responsible for violence inflicted on 30% of all women who have ever been in a relationship. This figure was as high as 38% in some regions. 38% of women had been murdered by their intimate partners. Intimate partner violence results in a large number of health problems for its victims. These include increased chances of giving birth to a low weight baby, higher risk of abortions and greater frequency of experiencing depression and anxiety. Victims are also more likely to acquire HIV.

The following chart<sup>13</sup> shows the prevalence of sexual violence against women in various parts of the world:

# VIOLENCE AGAINST WOMEN: PREVALENCE

**1 in 3 women** throughout the world will experience physical and/or sexual violence by a partner or sexual violence by a non-partner



All statistics can be found in the report entitled Global and regional estimates of violence against women: Prevalence and health effects of intimate partner violence and non-partner sexual violence, by the World Health Organization, the London School of Hygiene & Tropical Medicine, and the South African Medical Research Council, found here: <http://www.who.int/reproductivehealth/publications/violence/en/index.html>

## EFFECTS OF DOMESTIC VIOLENCE

The effects of gender-based violence can be devastating and long lasting. They pose danger to a women's reproductive health and can scar survivors psychologically, cognitively and interpersonally. Women who experience domestic violence and live in abusive relationships with their partners may be forced to become pregnant or have an abortion against their will, or their partners may knowingly expose them to sexually transmitted infections. The well-being of women who face regular violence at home is poor and they may suffer from mental and physical trauma, which may affect their productivity and efficiency in all walks of life. In

some cases, it may also lead to suicidal tendencies and depression. Working women may drop out of work and may feel worthless.

### DOMESTIC VIOLENCE AGAINST CHILDREN AND ELDERLY

Apart from women, elders and children are the other groups vulnerable to violence within the household. Elders in some households are spoken to rudely, beaten and often their physical and mental health is neglected to save on expenses. In some cases, elders are made to quit the household and sent to live in old age homes where they feel lonely. They are also ill-treated for their money and property.



Children, on the other hand, are a vulnerable group due to their age and physical strength. They form an easy target for abuse because they can be frightened and subdued easily. Different forms of abuse inflicted on children include beating, thrashing, and sexual abuse, restraining or keeping them in isolation. In some cases they are made to work for money or their organs are sold for profit. As children lack influence they are easy targets of maltreatment. Any kind of act of violence against children can damage their young and naïve minds for a lengthy period of time.

### LAWS FOR DOMESTIC VIOLENCE

There is an urgent need to tackle rampant domestic violence through the combined efforts of law enforcement and social service agencies, the courts and corrections/probation organisations. In 1983, domestic violence was recognised as a specific criminal offence by the introduction of **Section 498-A** in the **Indian Penal Code**. This section deals with cruelty by a husband or his family towards a married woman. The Government of India passed **Domestic Violence Bill, 2001**, to protect the rights of women who are victims of violence of any kind occurring within the family and to provide for matters connected therewith or incidental thereto.

The **Protection of Women from Domestic Violence Act, 2005**<sup>14</sup> ensures the reporting of cases of domestic violence against women to a **Protection Officer** who then prepares a Domestic Incident Report for the Magistrate and forwards copies thereof to the police officer in charge of the police station within the local limits of jurisdiction.

- Under this Act, a Domestic relationship means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage or through a relationship in the nature of marriage, adoption or are family members living together as a joint family.
- Any person who believes an act of Domestic violence has been/ is being/ is likely to be committed, may inform the concerned protection officer.

- A Police Officer/ Protection Officer/ Service Provider/ Magistrate, who receives a complaint of domestic violence, should inform the aggrieved person of her rights to file a complaint under **Section 498-A of IPC**, file an application for obtaining protection order, monetary relief, custody order, residence order and compensation order. She should also be informed about free legal services under **THE LEGAL SERVICES AUTHORITY ACT, 1987**.
- The aggrieved person is entitled to take shelter in a Shelter Home provided by the Government and also entitled for medical aid with the help of the Protection Officer.
- The Protection Officers are appointed by the State Governments in each district and are duty bound to assist the Magistrate, give report of Domestic Violence to the Police, assist the aggrieved person in preparing an application for protection order, help in getting free legal aid, shelter in a shelter home and medical aid etc.
- Every woman in a domestic relationship shall have the right to reside in the shared household and cannot be evicted from it by the respondent.
- After hearing the aggrieved person and the respondent, the Magistrate may prohibit the latter from committing further violence, entering the place of employment of the aggrieved person, attempting to communicate with the complainant, alienating any assets, operating bank lockers or accounts by both parties, causing violence to dependents.
- The Magistrate may, at any stage of hearing of the application, grant temporary custody of children to the aggrieved person, and specify, if necessary, the arrangements for the respondent's visit to the children.
- In 2018, The Supreme court empowered the Police to directly arrest those accused in dowry harassment cases. The court however upheld the right to seek bail.

### REHABILITATION

Many public, private and government organisations all over the world are making huge efforts to fight the problems generated by domestic violence. In Delhi, the **National Commission for Women** has enlisted many organisations such as **Shakti Shalini-Women's Shelter**, **Sakshi-** a Violence Intervention Centre, **RAHI-** Recovering and Healing from Incest- a support centre for women survivors of child sexual abuse, **Lawyers Collective Women's Rights Initiative (LCWRI)-** a pro-bono legal aid cell for domestic violence cases. Organisations like **Majlis Legal Centre and Swadhar IDWC, Institute for Development of Women and Children** in Mumbai, are also doing meaningful work on many women's issues arising from domestic abuse.

Recognising the need to prevent women from exploitation and to support their survival and rehabilitation, the scheme of **Short Stay Home** for women of all ages was introduced as a social defence mechanism, by the **Department of Social Welfare, Govt. of India in 1969**. The scheme provides temporary accommodation, maintenance and rehabilitative services to women rendered homeless due to family discord, crime, violence, mental stress, social ostracism when forced into prostitution. **Swadhar Greh** – a scheme for women in difficult circumstances was launched by the Department of Women and Child Development, Government of India, in 2001-2002. This scheme aims to rehabilitate women in difficult circumstances by providing shelter, food, clothing, counselling, training and clinical and legal aid.

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# SEXUAL HARASSMENT:

## Public Space



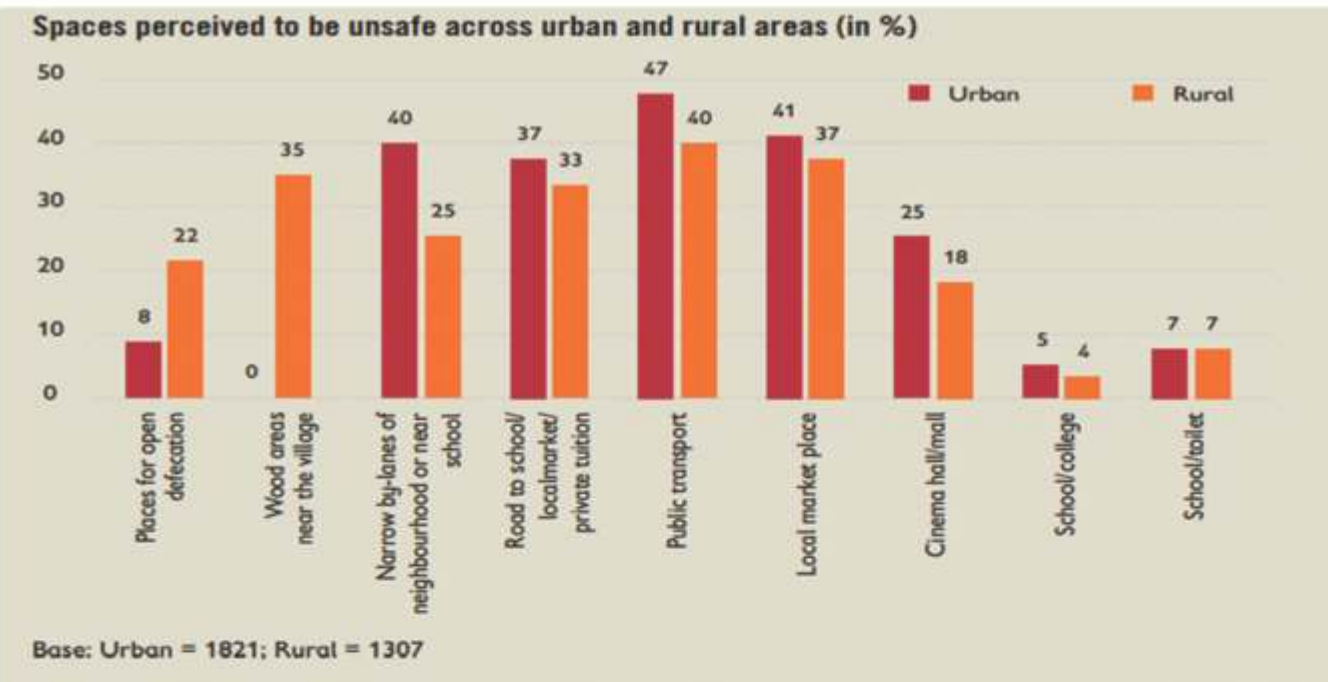
“Beauty provokes harassment, the law says, but it looks through men’s eyes when deciding what provokes it,” says Naomi Wolf<sup>1</sup>.

Beauty should, in all wisdom, inspire love, passion, care, humanity, kindness and respect and certainly not torture, vulgarity and harassment. Violence against women in various forms, in recent times, has assumed alarming proportions. When a woman narrates a horrific incident of a man publically masturbating in a bus or a young actress shares her experience with the media of being inappropriately touched during her flight by an unknown man, it lends a small voice to the deafening silence of subtle and explicit sexual harassment that occurs daily in public places of our country.

Sexual harassment includes any kind of physical indecent/inappropriate touching, ogling, brushing, groping, eve teasing, name calling, singing lewd songs, body shaming, making sexually- coloured remarks, acid attacks, objectionable gestures, molestation, threatening body language and stalking. These incidents are so frequent on streets, metros, buses, local trains, stations, shopping complexes, in and around schools and colleges, auto, taxi, lonely or overcrowded places, bazar corners, that majorly they are regarded as normal behavior or invisible issues. Very few women report such cases due to fear of social or familial backlash.

The whole concept of eve teasing or harassment at public places stems from cultural norms and power dynamics in the society. The socially dominant male displays his power over the socially subordinate female. This is part of his cultural upbringing and his behaviour does not change irrespective of the space or place he is in. Repercussions on the female psyche can be enormous. She might avoid routes or forms of transport where she fears harassment, thereby imposing restrictions on her own self, affecting her routine or her peace of mind. While men discuss and debate issues such as improvements in mode, speed, fuel etc. of public transport, women’s concerns are about safety and travel without harassment in any form.

Voices against sexual harassment in public places are nevertheless, being increasingly articulated with growing awareness among women that the harassers need to be shamed and through help from various forms of media. More and more women, however, in cities, towns, townships and villages need to educate themselves and be aware of the systems in place, legal and others, to fight this menace and live fearlessly.



Source: Wings 2018: World of India's Girls report

In Indian mythology, the feminine energy is regarded as the essence of the universe, the one that creates all matter and consciousness, the eternal and infinite, the soul of everything. Womanhood is celebrated as the most powerful and an empowering force in the Shastras and Puranas. How ironic it is then that on the one hand, women are worshipped as goddesses in India in the form of Durga and Lakshmi while on the other, women are ill treated and misbehaved with. Women live with the challenges of violence, dowry, female infanticide, rape, sexual harassment, disparity in education, honour killing etc., throughout their lives. The danger of sexual harassment hangs like the Damocles Sword over a woman’s head and affects her thoughts and behaviour about her own safety. Seventy-two years after independence, and armed with an empowering Constitution, our society is yet to free itself from the existing deviant behaviour and inequities in its fabric.

The quality of life in a city is judged by what it offers to its residents, the right to live freely with dignity and safety. Delhi is the capital of India, a metropolitan- cosmopolitan city where people come from all over the country with diverse needs and aspirations. It falls short in delivering safety and security to its female residents. While the government has begun to take tougher steps against issues like domestic violence, rape, harassment of

women at workplace; harassment in public space still remains a neglected issue.

Results of a survey conducted in 2016 in Delhi revealed that 40% of women have been sexually harassed in public spaces. Further, 33% of women stopped going out in public and 17% said they quit their jobs rather than face harassment in public places<sup>2</sup>.

According to a report brought out by **Thomson Reuters Foundation** in June 2018, India is considered to be the least safe country in the world for women with the worst record for sexual violence and harassment<sup>3</sup>.

According to a report of **World of India’s Girls (WINGS) 2018**, released by **Save the Children in India**<sup>4</sup>, an international non-governmental organisation, out of all adolescent girls surveyed, one-third said that they feared going to the local market/ taking the road to school / passing through narrow lanes of their locality, as they expected inappropriate touching or stalking. Overcrowded public transport vehicles like buses, metros, trains/local trains are also the places where most girls feel unsafe due to inappropriate touching / groping. 60 percent of adolescent girls did not feel safe in inadequately lighted areas and streets. Further, more than one-fourth adolescent girls



feared being physically assaulted or even getting raped in lonely/dark areas. In rural areas one in four adolescent girls felt unsafe when using open spaces/agricultural fields for open defecation.

There is an occasional reporting of incidents of sexual harassment. The rape and murder case of Priyadarshini Matto dating back to the year 1996 was one such horrific incident<sup>5</sup>. It is a perfect example to showcase the fact that stalking is a precursor to heinous crimes. Priyadarshini was a 25-year old law student at Campus Law Centre, Faculty of Law, University of Delhi. The accused, Santosh Kumar Singh, son of a former senior IPS officer, was a fellow law student at the same institution. The accused stalked her for over two years and she repeatedly lodged several complaints of harassment and stalking against him in the year 1995. She also filed an FIR under **Section 354 of Indian Penal Code (IPC)** and a personal security officer was provided to her. Despite everything, the accused continued to stalk her. On January 23, 1996, she was raped, injured several times with a helmet and ultimately strangled to death with a wire in her own house. The case was taken up by Delhi Police and was later referred to the **Central Bureau of Investigation (CBI)**. In December 1999, the accused was acquitted of all charges by the Trial Court because of dearth of evidence. This judgment signaled the victory of the influence the powerful wield. Later, the President of India, KR Narayanan remarked that the cathedrals of justice have become like casinos. An appeal was filed in the High Court in 2000 and the matter was heard on a daily basis from 2006 onwards. Finally, in October 2006, eleven years after the heinous crime was committed, the accused was convicted and sentenced to death for both rape and murder of the victim. In 2010 the Supreme Court commuted this sentence to life imprisonment.

A newspaper report published on 4th October 2018 best illustrates the predicament of girls facing harassment at public places. 36 girl students of a school in Saharsa village in Bihar were forced to drop out of school due to harassment by some boys. The girls cycled or walked to school from their village, a distance of seven kilometers. They were

teased and harassed on their way to school by some boys with lewd comments, obscene or vulgar songs and actions. They ignored this and maintained silence fearing that their parents will have their studies discontinued. The matter came to light when the perpetrators misbehaved with two girls and their brothers and the brother of one of the girls came to their rescue. The assaulters thrashed both the brothers badly and fled thereafter. An FIR was filed. Ultimately, the fear the girls harboured came true and they were stopped from attending school. The reason the parents cited for their action was that they were unable to live in perpetual fear of something grave befalling their daughters<sup>6</sup>.

There is thus, a serious and urgent need to address the issue of sexual harassment in public space.

### INTERNATIONAL COMPARISONS

Sexual harassment at public places is a malaise found all over the world. An international non-governmental organisation, **Action Aid**, conducted a survey in 2016, which revealed that women faced sexual harassment in cities and countries across the globe, 79% in cities in India, 86% in Thailand, 89% in Brazil and 75% in London<sup>7</sup>.

According to a study carried out by the **Movement of Women of the Motherland of Latin America** in **April 2016**, 100% of women in the City of Buenos Aires have experienced street harassment. Half of them were subjected to sexually explicit comments, 59% were gestured to in an obscene manner, 47% had been followed by men and 37% said that men had subjected their vision to their exposed genitalia. 40% of Chilean women faced daily harassment according to a 2014 study by The **Organization Against Street Harassment (OCAC)**, while 90% of women there said had been harassed at least once in their lives. 70% of women in Beijing, China in a 2002 survey of 200 citizens, claimed they had faced some form of street harassment. Public transport, particularly buses was where 58% of women felt most harassed. 87% women according to a finding by The **Australia Institute** in **2015**, faced verbal or physical misconduct while walking down the street. Neighbourhoods are no safe havens and 40% of women feel unsafe in them at night. Both verbal and

physical street harassment is a ubiquitous feature and 65% have faced this, especially the latter<sup>8</sup>.

**Stop Street Harassment**, a non-profit organisation, dedicated to documenting and ending gender-based street harassment worldwide, carried out a survey in 2016, which suggested that 64% women in the United Kingdom were subjected to sexual harassment in public places. **NA'AMAT**, an Israel women's organisation, released results of a survey in March 2016 that showed clearly that 68% girls face harassment on Israeli streets<sup>9</sup>.

### MEASURES ACCORDING TO LAW

Stalking or staring to forcing to have intercourse without consent, everything in between or within it is a criminal offense and there are different sections in the IPC for each and every unlawful act with strict punishments. Sections under the Indian Penal Code that account for sexual harassment are as follows<sup>10</sup>:

**Section 294: OBSCENITY-** states that any obscene act or singing lewd songs directed at women in public spaces is punishable under law. The offenders shall be jailed for up to 3 months or fined or both.

**Section 326-A: GRIEVOUS HURT BY ACID ATTACK-** Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, along with payment of a fine.

**Section 326-B: THROWING OR ATTEMPTING TO THROW ACID-** Whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be

punished with imprisonment for a term of five to seven years, and shall also be liable to be fined.

**Section 354-A:** pronounces that men committing any acts like a demand for sexual favours, showing pornography against women's will, physical contact and advances involving unwelcome and explicit overtures and making sexually coloured remarks, shall be guilty for the offense of sexual harassment. In brief, it can be said that demanding a sexual favour despite the indication of disinterest is a crime under IPC Section 354-A. The accused can either face imprisonment ranging from 1 to 3 years or be fined or both.

**Section 354-B: ASSAULT OR USE OF CRIMINAL FORCE WITH INTENT TO DISROBE A WOMAN-** Any man who assaults or uses criminal force against any woman or intends to disrobe/ compel her to be naked, shall be punished with imprisonment for a term which shall not be less than three years but which may extend to seven years, and may also be fined.

**Section 354-C: VOYEURISM-** Any man who watches / captures the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image shall be punished on first conviction with imprisonment for a term of more than one year, but which may extend to three years, and shall also be liable to be fined, and be punished on a second or subsequent conviction, with imprisonment for a term of more than three years, but which may extend to seven years.

**Section 354-D: STALKING-** It was not a punishable offence till 2012. Under the Criminal Law (Amendment) Act 2013, stalking is made punitive under IPC Section 354-D which states that any man who follows or tries to contact a woman for personal communication repetitively against the wish of such woman, shall be considered guilty of the offence of stalking. The offender on first conviction can face imprisonment, which may extend upto 3 years and will be liable to pay a fine too. Further, on subsequent offence, the jail term may extend to 5 years.



**Section 509: WORD, GESTURE OR ACT INTENDED TO INSULT THE MODESTY OF A WOMAN**– Whosoever intends to insult the modesty of any woman, utters any words, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with imprisonment for a term which may extend to three years, and also be fined.

Apart from these laws, various measures have been initiated by different stakeholders, such as the government, NGOs, schools, universities, legislators etc. to address the critical issue of safety and security of women. These steps include conducting cross-gender dialogue and gender sensitisation programmes for the community. Dark places are tracked and reported and the government has taken initiatives to reduce the infrastructural inconsistencies by installing lights in dark places and setting up CCTV cameras. In the aftermath of the brutal gang rape in 2012, the **Nirbhaya Fund** was set up by the Government of India to address the

issue of safety of women. Another important initiative is **One-stop Crisis Centres (OSC)**, popularly called **SAKHI CENTRES**, launched in 2015 to provide access to a range of facilities like medical, police and legal support, along with counselling.

**ANCILLARY**, a comprehensive women safe city project has been launched in the current year for 8 major cities like Delhi, Mumbai, Kolkata, Chennai, Bengaluru, Hyderabad, Ahmedabad and Lucknow to be implemented from 2018-19 to 2020-21 with an approved cost of Rs. 3000 crores<sup>11</sup>. The main features of this project are installation of public panic buttons, all- woman police patrol teams, provision of safe toilets for women, better and secure public transport system with security enablers, GIS-based crime mapping, transit dormitories for women and children, smart LED street lights, One-stop crisis centers, CCTV cameras with modern command and control centers, and other infrastructural up-gradations etc.

The **Delhi Police** is dedicated to ensure the safety of women all over the city and enhance their

confidence when they access public places. They have initiated various safety measures like increased bike patrolling by officers, an all-women patrolling squad, formation of anti-stalking or anti-obscene call cells, awareness programmes in schools, colleges, RWA's, etc. Further, a special body of Delhi Police called the **Special Police Unit for Women & Children (SPUWAC)** works specifically to protect rights of women and children. A self-defence training unit is managed by SPUWAC which runs a scheme named **SASHAKTI** to train girls to face troublesome situations and teach them self-defence techniques. Apart from other initiatives, a mobile system application, **HIMMAT PLUS APP** was launched by Delhi police for women in situations of emergency. The HIMMAT PLUS App has an SOS button, which sends an immediate alert to the police control room and to the emergency number provided by the person, generally of a family member. If the woman is not in the condition to press the button, she can alert the police by simply shaking her phone.

## THE WAY I DRESS IS NOT A YES

**MYTH : WOMAN'S DRESS INVITES HARASSMENT**

### CONTACT

Dial 100: A general helpline number for all emergencies.

Dial 1091: A women specific helpline number for all women in distress.

Dial 1093: A helpline number that functions 24x7 for people from north-east.

Dial 1096: A helpline number to report cases of stalking and obscene calls.

The Slogan Should Be: **DON'T LET THEM WIN!**

Women must not fall apart, destroy or dislocate themselves from society because of the crimes committed by others. They must not give up on their talents and skills simply because they were targeted in some manner. They must push forward, have a goal, learn their rights, educate themselves about the laws, achieve finer and greater things and know their worth.

*"If you want to know what it is like to survive in hell and still come out shining brighter than the sun, just look into the eyes of a woman who has survived intense damage and refused to allow it to destroy her softness,"* says Nikita Gill<sup>12</sup>

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# Ravaging Her Identity

## RAPE



"I just want to sleep. A coma would be nice. Or amnesia. Anything, just to get rid of this, these thoughts, whispers in my mind. Did he rape my head, too?" Laurie Halse Anderson<sup>1</sup>

Rape is the most horrific form of sexual harassment. It is defined as physically forced or otherwise coerced penetration – even if slight – of the vulva or anus, using a penis, other body parts or an object. The attempt to do so is known as attempted rape. Rape of a person by two or more perpetrators is known as gang rape<sup>2</sup>.

Rape may be described as a type of sexual assault usually involving sexual intercourse or other forms of sexual penetration carried out against a person without consent. The act can be carried out using physical force, coercion, abuse of authority, or against a person incapable of giving valid consent, on account of being unconscious, incapacitated or disabled, or by being below the age of consent<sup>3</sup>. It may take place in different circumstances and settings, such as rape within marriage or dating relationships; rape by strangers or systematic rape during armed conflicts.

While it may be relatively easy to define rape in

legal terms, the idea of consent remains a grey area. In the words of Dr. Hannah Bows, "The legal definitions of what behaviour or actions constitute rape and sexual assault are quite clear, but the definition of consent is less so. There remains a lot of confusion across society about what consent means. We need to rethink our definition of consent to address the current misunderstandings around what consent is".<sup>4</sup> Countries have a different understanding of crime and consent, which informs the way it is treated in the criminal justice system. Sweden, for example, has been criticised for having one of the highest rates of reported rape, even though it is often celebrated for having an advanced understanding of gender rights. There, rape includes penetration without consent, as well as other sexual offences<sup>5</sup>.

Its legal definition notwithstanding, rape is not just a physical act of sexual violence. In reality, it is much worse than just a non-consensual sexual and criminal act. It is both a mental and physical torture of the victim, often leaving a distraught person to fend for herself in a society that blames and shames her instead of sympathising with her. She is made to feel that she was complicit in the crime because of the way she was dressed or the manner in which she

behaved. This is why a large number of cases go unreported.

**Thompson Reuters Foundation** created a stir earlier this year when its report was released. 548 experts from across the world rated India as the most dangerous country in the world for women<sup>6</sup>, ahead of war-ravaged Afghanistan and Syria. The country's **National Commission for Women** rejected the report outright, saying that countries where women could not speak out had done better. They also pointed out that rape, harassment and other forms of violence against women appear to have risen in India because more cases are being reported, driven by public outrage<sup>7</sup>. Although the methodology adopted in the report of Thompson Reuters is open to question, and it also takes into account factors other than crime against women, the report does bring home the unpleasant fact that India is globally perceived as the rape capital of the world.

Going strictly by figures, however, India was ranked sixth in terms of the incidence of rape (see figures on next page - number of rapes per 1 lakh population) according to the **UN Crime Trend Statistics 2013**<sup>8</sup>. The United Kingdom, with 36.44 cases per 1 lakh population topped the list, while India seemed far better off with only 5.7 cases. But there is reason to believe that cases in India are grossly under reported. In the patriarchal and misogynistic culture, 'purity' of women is closely associated with individual and family honour and rape is seen as a loss of this honour. Under such circumstances, it is common to keep cases of rape under wraps, especially if the survivor is a minor. Added to this is the refusal by the police to register complaints. Contrarily there is a demand of bribe and harassment of victims.

Rape is the most common crime against women in India, accounting for about 12% of all crimes against women<sup>9</sup>. The 2013 report of the **National Crime Record Bureau (NCRB)** reveals that a total of 24,923 rape cases were registered in the year 2012<sup>10</sup>. This number went up to 34,651 in 2015<sup>11</sup> and further to 38,947 in 2016<sup>12</sup>, an increase of 12.4% in one year. The rise in reported cases is partly attributed to the Nirbhaya effect<sup>13</sup>, noticeable particularly in Delhi and adjoining districts of

Haryana, Punjab and Rajasthan. Madhya Pradesh and Uttar Pradesh reported the highest number of rape cases with Maharashtra occupying third position. 34,651 cases in a population of 130 Crores may not seem like a startling number, but the statistics look far more alarming when seen another way. There were 2,887 cases of rape every month, 96 cases every day, 4 cases every hour and 1 case every 15 minutes. Delhi alone reported an average of 5 rapes every day in 2017<sup>14</sup>. Bearing in mind that these are just the reported cases, one begins to see the gravity of the situation. Contrary to popular belief, the rapist is usually not a villainous stranger. NCRB data on proximity shows that the offender was known to the victim in more than 95% of the cases<sup>15</sup>. The data further reveals that 2% of all rape cases involve live-in partners or husbands, 1.6% of offences were committed by employers or co-workers, 27% by neighbours, 9% by relatives and 33% by other known associates. A significant number of victims are children who are easy prey for rapists.

A sample survey conducted recently by Human Rights Watch reveals that two out of every three children in India were physically abused and that 53% of the nearly 12,500 surveyed children reported one or more forms of sexual abuse<sup>16</sup>. In most cases the perpetrator was known to the child. 31% of sexual assaults were committed by the victim's uncle or neighbour. Other reports say that more than 7,200 children, including infants, are raped every year in India<sup>17</sup>. Child rights activists believe that many more cases go unreported, stressing on the need for more comprehensive work in this area in order to protect our children.

It is important to understand the effects that rape has on its survivors. Sexual violence can lead to physical, mental and emotional trauma, leaving them scarred for life. Children subjected to sexual abuse are especially vulnerable to its long-term consequences. Physical consequences include pregnancy, and there are tragic instances of young girls barely into their teens being forced to give birth to an unwanted child because the pregnancy was detected too late for it to be legally terminated. Forced penetration of the body can cause internal damage to other organs apart from causing gynecological disorders and sexual dysfunction.

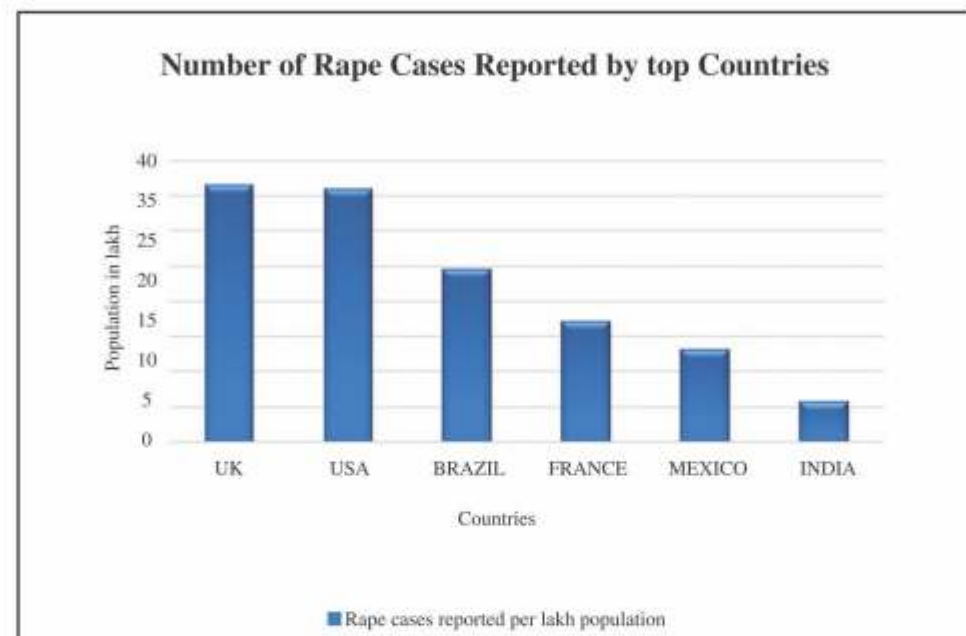


The offender can also pass sexually transmitted infections and diseases, including HIV/AIDS to the survivor. The latter may have to grapple with feelings of guilt, anger, fear, shame, depression and

anxiety, which can trigger attempts at self destruction. The role of family, friends, counselors and society at large is crucial in recovery from such trauma.

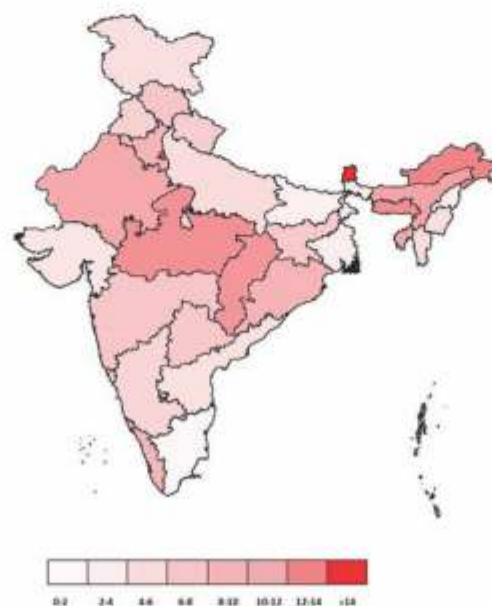
A comparative analysis of rape cases among countries. Rape incidences or number of rapes per 100,000 population is a more accurate measure to understand which countries fare worst. According to UN Crime Trend Statistics 2013, UK has the

highest incidence of rape, followed by the US and Brazil. It is important to keep in mind though that many rape cases are not reported due to cultural factors and may not figure in official records.



Source: UN Crime Trend Statistics 2013, India data is from NCRB. The following heat map on reported cases of rape is taken from <sup>6</sup>.

Reported Rape Cases, 2016 (per 100,000 of the Population)



## LEGAL AND INSTITUTIONAL PROVISIONS

Professor Liz Kelly states that, "No country is doing well on rape. It's a really interesting lightning rod in terms of how far gender equality has progressed - or not. But there are certainly some countries that do better in terms of how the investigation happens, the seriousness of how reports are dealt with and conviction rates"<sup>18</sup>. How serious a country is about women's security is reflected in the laws it frames and the functioning of agencies that are responsible for the implementation of such laws.

**The Indian Penal Code (IPC)** was written in 1860 and rape was mentioned in it under **Sections 375 to Sections 376-E**, which refer to sexual offences<sup>19</sup>. Defining rape as a sexual act performed on a female without her consent (or consent obtained under duress or through fraud) it prescribed a minimum punishment of two years in prison and a life sentence in the worst case. It also defined a category of statutory rape when the girl was below 16 years of age, in which case consent was immaterial. It failed to recognise rape within marriage, which continues to be the case today despite several amendments to the law.

An amendment in 1983, following the Mathura rape case,<sup>20</sup> introduced a new category of custodial rape. This case stirred up great passions and resentment amongst people in society. A law more sensitive to the feelings of victims had to be drafted, that protected their human rights and dignity. This resulted in the **Criminal Law Amendment Act** being passed in 1983. This act amended **Section 114-A of the Indian Evidence Act**, which stated that if the victim does not consent to sexual intercourse then the Court would presume that she did not consent. Section 376 of the IPC was also amended, making custodial rape an offence punishable with not less than 7 years imprisonment. **This section shifted the burden of proof from the victim to the offender, once sexual intercourse was established.** This amendment also changed the idea of consent while simultaneously banning the publication of the identity of the complainant and preventing her character assassination in court. Women were granted greater protection from character assassination by a further amendment in 2002.

Although the IPC already recognised statutory rape, a tougher **Protection of Children from Sexual Offences Act (POSCO)**<sup>21</sup> was enacted in 2012 for safeguarding the rights of children against whom 40% of sexual offences are committed. This act provides for special courts with in-camera trial in a child-friendly environment, fast-tracking of cases and shelter homes for survivors of child rape.

Landmark changes in laws pertaining to crimes against women were based on the **Verma Committee Report**<sup>22</sup>. A three-member committee was constituted in December 2012 in the wake of the Nirbhaya rape case (see box). It was headed by Justice J.S. Verma, former Chief Justice of the Supreme Court, and also had as its members Justice Leila Seth and Mr. Gopal Subramaniam, former Solicitor General of India. After detailed research, wide consultation and going through thousands of recommendations, the committee submitted its report in January 2013. Identifying failure of governance as the root cause of sexual crime, the committee recommended changes in laws related to rape, sexual harassment, trafficking, sexual abuse of children, medical examination of survivors, as well as police, electoral and educational reforms. It covered laws related to **Sections 375, 376, 378A, 376B, 376C and 376D** which were amended to ensure enhanced punishment and faster persecution for rape and other crimes against women. The range of crimes includes voyeurism, stalking, acid attacks and trafficking. It was not in favour of death penalty for rapists but it recommended a minimum sentence of seven years rigorous imprisonment, which could be extended up to life. The punishment for gang rape was not less than 20 years. It made it mandatory for every complaint of rape to be registered and suggested a review of the **Armed Forces Special Powers Act (AFSPA)** to ensure safety of women in conflict areas. Better surveillance and installation of CCTVs in public spaces and public transport were recommended in order to ensure safety of women.

Far-reaching as they are, amendments based on the reports have not been able to bring down crimes against women or reduce the trauma of its victims. An article in Indian Express talks about the plight



of rape victims - "Rape victims are subjected to institutional sexism that begins with their treatment by the police, continues through a male-dominated judiciary influenced by notions of victim blaming and ends in the acquittal of many alleged rapists"<sup>23</sup>. A lot remains to be done to sensitise the police and judiciary in order to instill confidence in women to approach them for justice in the first place, and to ensure that justice is indeed delivered to them.

## PERSONAL SAFETY MEASURES

Studies show that there is no social class or demographic group that is entirely safe from rape. Under such circumstances, it is wise for individuals to take precautions to ensure their personal safety. One must be careful while interacting with strangers, especially in accepting any food or drink offered by them or in sharing personal information online. While traveling alone at odd hours or in secluded spaces, one must remain alert. Sharing of travel details with family and friends is another safety measure. If any person in the family or outside is suspect or makes passes, he must be exposed to prevent any untoward incident. The use of safety apps like the **HIMMAT PLUS App** developed by the Delhi Police is also recommended.

## SOURCES OF HELP

A rape survivor needs several forms of support, including moral, emotional, legal and financial. This may be forthcoming from family and friends and society at large. However, there may be situations where the survivor is left to fend for herself or the family is not in a position to help her. In such circumstances, help may be available from voluntary organisations, support groups and NGOs. Survivors need to fight a legal battle against the offender(s) who may be rich and powerful. Free legal assistance is provided by the Judicial Services of India to all women. This covers the services of best lawyers as well as other legal expenses. It is available to all women, irrespective of their financial status, caste or class.

## THE FOLLOWING ORGANISATIONS ALSO OFFER ASSISTANCE TO THOSE IN NEED:

- **Azad Foundation:** Delhi, Kolkata & Jaipur  
Web: <http://azadfoundation.com>  
Tel: 011 49056322, 9910213628  
Email: [azadfoundation@gmail.com](mailto:azadfoundation@gmail.com)
- **International Center for Research on Women (ICRW):**  
Tel: 011 4664 3333  
Email: [info.india@icrw.org](mailto:info.india@icrw.org)
- **Vandrewala Foundation:** Mumbai & Delhi  
Tel: 1 860 266 2345, +91 11 6642 9999  
Email: [help@vandrewalafoundation.com](mailto:help@vandrewalafoundation.com)
- **Angala:**  
Tel: +91-80-25492781, 25494266  
Email: [angala1@vsnl.net](mailto:angala1@vsnl.net)
- **Aasra:**  
Tel: 022-27546669, 022-27546667  
Email: [aasrahelpline@yahoo.com](mailto:aasrahelpline@yahoo.com)
- **Women's Rights Unit of Lawyers Collective:**  
Tel: 91-11-24374830  
Email: [wri.delhi@lawyerscollective.org](mailto:wri.delhi@lawyerscollective.org)

## The Nirbhaya Case

Rape is the most common crime against women, so common perhaps that incidents of rape rarely make it to the front pages of newspapers. There is only an occasional Mathura (1972), Maya Tyagi (1980) or Bhanwari Devi (1992) case that grabs media attention. But one case that shook the conscience of the nation was the Nirbhaya case that happened in the heart of the capital city. On 16th December 2012, a young woman and her male friend were on their way home after watching a movie. They boarded a bus just after 9PM. On board the bus, the girl was gang raped by the driver and five other men. A metal rod was inserted into her body, causing grievous internal injuries. Her friend was severely beaten up. All this while, the bus was driven around the busy roads of Delhi. Finally the two were thrown out of the bus, naked and badly injured. They were spotted by passers-by who informed the police. Admitted to a hospital, the woman fought for her life for a few days before finally succumbing to her injuries while receiving medical treatment in Singapore.

The barbaric incident triggered spontaneous protests in Delhi which soon spread to other cities of India. Protestors demanded justice for the woman, dubbed 'Nirbhaya' by the media, and safety for all women. In Delhi, the police responded by firing water cannons and tear gas shells into the crowd. The protestors were undeterred and finally the government relented and set up the Justice Verma Committee, which made path-breaking recommendations to ensure justice for Nirbhaya and safety for Indian women. A Nirbhaya fund was also set up to provide relief to rape survivors and make public spaces safer for women. Almost six years after the Nirbhaya incident, has anything changed for women? In a society where the word 'sex' was taboo, rape became a topic of dining table conversation. There is more sympathy and support for victims and survivors, though an occasional politician can still be heard blaming cellphones and Western culture for incidents of rape. More cases of rape are registered, especially in all-women police stations. However, most of the Nirbhaya fund remains unspent and very few rape survivors actually got assistance. The barbaric cases of rape in Kathua and Unnau remind us that a lot still remains to be done.

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# HONOUR KILLING

## A Bloody Blot On The Honour of Our Country

Honour Killing is a gruesome act of violence that is committed for the sake of saving the social reputation or honour of the family. Several questions may be raised – What is family honour? How is it lost? How is it restored by murder?

This gory criminal act of violence has silenced many lives, but the echo of those unheard cries for help have had no effect on the perpetrators of these crimes, who are usually the family members of the victim. The act of silencing a woman's voice by killing her is not beyond comprehension. It is deeply embedded into the fabric of a patriarchal mindset that runs through our male dominated, honour obsessed society. It is a painful fact that India is one of the countries where a woman's voice is least heard and subsequently violent crimes against her are least recognised. Honour killing is one such crime that hides in plain sight.

An Honour Killing is the repulsive, ghastly murder of a member of the family or a social group by other members because the victim has brought perceived shame or dishonor to the family / community / village. This homicide is committed because the perpetrator and the like-minded people around him believe they have been shamed or dishonored by the conduct of the victim who stepped out of the limits set for her by the following acts: refusing to enter an arranged marriage, marrying a person who does not fit in the religion, caste- gotra combine; having sex outside marriage or deviant behavior attracting rape; dressing in ways deemed inappropriate or engaging in gay relationships. It is largely the women who are sacrificed at the altar of patriarchal mores and approximately one thousand of them in India lose their lives annually to such beliefs.

Honour based crimes are committed because in a patriarchal society a woman is regarded as property and a chattel. Women in some societies are also regarded as a commodity, for barter. Whether regarded as property, chattel or commodity, they are supposed to exercise no volition of their own but fall in line with the expectations of the family. Such a society regards women's submissiveness and docility as good attributes and assertions for their rights makes them rebels of an unholy cause. A family showering love on an obedient daughter can indulge in a violent act of ghastly murder the moment she decides to be in control of her own sexuality. **She is no one to us** is the common refrain after the crime has been committed.

Women who have lost virginity before marriage are a dishonour or disgrace to their families. "A woman's virginity is the property of the men around her, first her father, later a gift for her husband; a virtual dowry as she graduates to marriage", opines Suzanne Ruggi<sup>1</sup>. Every year, hundreds of young women in West Asia are murdered by male family members for perceived misuse of their sexuality<sup>2</sup>.

According to Nighat Taufeeq of the **Women's Resource Center Shirkatgah**, Lahore, Pakistan, "It is an unholy alliance that works against women: the killers take pride in what they have done, the tribal leaders condone the act and protect the killers and the police connive to cover-up"<sup>3</sup>.

At times men are also victims of honour killing when they defy the diktats of the family/endogamous community. Any deviation from an authoritative, regressive and heteronormative society brings shame on the family. Such a threat has

to be immediately challenged in an exemplary manner. This lynching of our human resource with their spattered blood marking dots of shame on the map of India pulls our country back from the progressive strides it is making.

According to the statistics provided by the **National Crime Record Bureau** honour killing in India went up by around 796% from 2014 to 2015<sup>4</sup>. The crime records of such murders increased from 28 in 2014 to 251 in 2015. This spike could also be due to more vigilant reporting of these crimes, which hitherto went unreported. Gujarat, Uttar Pradesh and Madhya Pradesh recorded the highest number of cases of honour killing.

Perpetrators use horrific ways to kill their own family members. This includes burning the person alive, stabbing, acid attack, hanging and poisoning. The mindset of such people is no better than that of those of hardened or mentally disturbed criminals, who need to satisfy their egos even if it is by sucking the blood of their children or siblings. One must reconsider the nature of ego-centric love that parents bring their children on. If that ego is not satiated the loving hands end up as murderous hands.

Recently Pranay, a Dalit man married Amrutha of Vaishya caste in Telangana against the wishes of their families. An unidentified assailant killed Pranay with a machete on 14th September, 2018<sup>5</sup>. While Pranay's family mourns his death, Amrutha alleges that her father had told her multiple times that he would kill Pranay, as she did not obey her father's wish.

Honour killing is not only about saving one's name but the desire to cling to the manifold traditions associated with the past. Technological developments taking place in the world are incredibly fast and it is difficult to reconcile them with many societies, still stuck to age-old traditions. While traditions remain important to one's sense of self it is imperative to make room for change. At least people should be allowed to choose their own life partners without being threatened in any possible manner by anyone. There are no strict laws to punish the culprits guilty of such murders. There

is an urgent need to create laws dealing with honour killing.

Parents, guardians and families should respect and attempt to understand the need for better solutions to the problems their children are confronted with rather than prosecuting them by ending their lives. Even in the 21<sup>st</sup> century, nothing has changed essentially. People still continue to believe in the feudal, caste based, deeply hierarchical society. It is important to work on changing the mindset of people carrying the baggage of honour and help them shrug it off. Media in all forms is a powerful tool to help bring change in society.

### KHAP PANCHAYATS

**Khap Panchayats** play a significant role in declaring harsh punishments against those who deviate from the set social norms. A Khap Panchayat is the union of a few villages, mainly in north India though it may exist in some similar form in the rest of the country. Lately, these panchayats have emerged as quasi-judicial bodies that pronounce harsh punishments based on age-old customs and traditions, often bordering on regressive measures to modern problems<sup>6</sup>.

The Supreme Court laid down a set of guidelines meant to stop interference by Khap Panchayats and said that the self-appointed village courts cannot stop a marriage between two consenting adults in a landmark ruling in 2013<sup>7</sup>. The top court laid down a set of guidelines meant to stop the interference by Khap Panchayats that wield enormous influence in villages of several states and are often seen responsible for the growing number of honour killings in the country. The guidelines will be in place till the government comes up with a law, the court said.

### SUPREME COURT GUIDELINES TO PREVENT HONOUR KILLING<sup>7</sup>

1. The state governments should identify districts, sub-divisions and/or villages where instances of honour killing or assembly of Khap Panchayats have been reported in the last five years.



2. Police officers of the identified areas need to be extra cautious if any Khap meeting is scheduled to address some inter-caste or inter-religious marriage and should inform their immediate superior officers. The Police should immediately interact with the members of the Khap Panchayat and impress upon them that convening such a meeting/gathering is not permissible by law and they should eschew from it.
3. Despite taking such measures, if the meeting is conducted, the Deputy Superintendent of Police should personally remain present during the meeting and impress upon the assembly that no decision can be taken to cause any harm to the couple or the family members of the couple. If this fails, each one participating in the meeting besides the organisers would be personally liable for criminal prosecution. A video recording of such meeting is required for suitable action.
4. If the Deputy Superintendent of Police, after interaction with the members of the Khap Panchayat, believes that the gathering cannot be prevented and/or is likely to cause harm to the couple or members of their family, he shall submit a proposal to the District Magistrate of the concerned area for issuing orders to take preventive steps under the **Criminal Procedure Code (CrPC) of the Indian Penal Code** and invoke prohibitory orders under **CrPC Section 144** and also by causing arrest of the participants in the assembly under **CrPC Section 151**.
5. The Home Department must take initiative and work in coordination with the state governments for sensitising the law enforcement agencies by involving all the stakeholders to meet the goals of social justice and the rule of law. There should be institutional machinery with the necessary coordination of all the stakeholders. The different state governments and the centre should work on sensitisation of the law enforcement agencies to mandate social initiatives and awareness to curb such violence.
6. Despite the preventive measures taken by the State Police, if it comes to the notice of the local police that the Khap Panchayat has taken place and it has passed any diktat to take action against a couple/family of an inter-caste or inter-religious marriage, the jurisdictional police official should immediately lodge an FIR under the appropriate provisions of the Indian Penal Code including **Sections 141, 143, 503** read with **Section 506**. Thereafter, the Police must make an effective investigation of the crime.
7. Additionally, immediate steps should be taken to provide security to the couple/family and, if necessary, to take them to a safe house within the same district or elsewhere keeping in mind their safety and threat perception.
8. The District Magistrate/Superintendent of Police must deal with the complaint regarding threat administered to such couple/family with utmost sensitivity. After the marriage, if the couple so desire, they can be provided accommodation on payment of nominal charges in the safe house for a period of one month to be extended on monthly basis but not exceeding one year in aggregate, depending on their threat assessment on case-to-case basis.
9. The initial inquiry regarding the complaint received from the couple should be entrusted by the District Magistrate/Superintendent of Police to an officer of the rank of Additional Superintendent of Police. He shall conduct a preliminary inquiry and ascertain the authenticity, nature and gravity of threat perception. On being satisfied about the authenticity of such threats, he should submit a report within a week to the Superintendent of Police.
10. The District Superintendent of Police, upon receipt of such report, should direct the Deputy Superintendent of Police in-charge of the concerned sub-division to register an FIR against the persons threatening the couple and, if necessary, invoke CrCP Section 151.

11. Any failure by either the police or district officer/officials to comply with the aforesaid directions should be considered as an act of deliberate negligence and/or misconduct for which departmental action would be taken under the service rules. The states are directed to take disciplinary action against the concerned officials if it is found that such official(s) did not prevent the incident, despite having prior knowledge of it, or where the incident had already occurred, such official(s) did not promptly apprehend and institute criminal proceedings against the culprits.
12. The State Governments should create special cells in every district to receive petitions/complaints of harassment or threats to couples of inter-caste marriage. These special cells should create a 24-hour helpline to receive and register such complaints and to provide necessary assistance/advice and protection to the couple.

13. The criminal cases pertaining to honour killing or violence to the couple(s) shall be tried before the designated Court/Fast Track Court earmarked for that purpose. The trial must proceed on a day-to-day basis to be concluded preferably within six months from the date of taking cognisance of the offence.

Many NGOs for women are coming forward to help bring a change in the mentalities of the people. **HIMMAT MAHILA SAMOOH**, set up in 2007, is an organisation based in Rohtak, Haryana. It works towards making women economically self reliant and socially aware. The organisation also holds seminars and discussions on inter-caste marriages to bring change in the violent fabric of our day to day lives. It is with the help of this organisation that many couples are now successfully married with no fear of backlash from the patriarchal society.

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# CYBER STALKING



Technology revolutionises human interaction and activities in manifold ways. Social media is one such way of communication, which has the capacity to bring a host of people into an interactive sphere with a single tap on a screen. This exchange has indeed been very dramatic and has increasingly mobilised the younger generation to communicate in this manner. The advantages of exchange through social media are at times offset by a number of cyber crimes such as hacking, data theft and frauds. Its concomitant, cyber stalking, too has emerged as a major threat to individuals, causing them untold physical, emotional and psychological misery.

Cyber stalking may be defined as harassment of an individual by digital means. A cyber stalker can hound a victim by making repeated, unsolicited contact on social media, indulging in virtual character assassination or defamation, body shaming, and levelling of false accusations against the latter. The perpetrator may harass and threaten the victim's family and friends by instilling fear in them or isolating them socially. The stalker may be a stranger or known to the victim, and may operate anonymously to inflict mental abuse. These acts of harassment through cyber stalking may psychologically scar the affected persons and exacerbate disorders of stress, fear, anger, depression, or even make them suicide prone.

These criminal activities can be trumped by creating awareness amongst the users of different types of social media and taking recourse to legal aid in case of such eventualities. The following legal provisions are in existence for cases related to Cyber stalking:

- **Section 354-D of The Indian Penal Code (IPC)** defines stalking as following a person to foster personal interaction repeatedly, despite clear disinterest by such person or monitoring someone on internet, email or any other form of electronic communication, or watching or spying on a person in a manner which creates fear or distress in the mind of such person.
- The victim being stalked can file a case of defamation under **Section 499** of IPC against the offender.
- **Section 354-A** of IPC is imposed on the person committing sexual harassment with 3 years of imprisonment or fine or both.
- **Section 354-C** of IPC criminalises voyeurism- the act of capturing images of a woman engaging in a private act, and disseminating such images without her consent. This section prescribes 3 to 7 years of imprisonment and a fine.

- **Section 503** is enforced for criminal intimidation, that is, threats made to a person, which may destroy the aggrieved person's reputation. This offence may result in imprisonment for upto 2 years or fine or both.
- **Section 509** of IPC is imposed on a person who engages in constant gender based derogatory verbal abuse towards another person. Under this section, the offender may be imprisoned for a year or fined or both.
- **Section 507** of IPC punishes intimidation by an anonymous communication and may lead to imprisonment for up to 2 years.
- **Section 228-A** of IPC deals with posting of images or videos of rape victims and the guilty can be imprisoned for up to 2 years and slapped with a fine.

The offenders are also liable to be punished under the provisions of **The Information Technology (IT) Act, 2008**, which are as follows:

- **Section 72** of IT Act, 2008, deals with the offence of stalking, punishable with imprisonment for upto 2 years or fine or both.
- **Section 67** prohibits and punishes the publication and transmission of obscene content which may result in imprisonment for 3-7 years or fine or both.
- **Section 67 - A** deals with the publication or transmission of material containing sexually explicit acts. It provides for punishment by imprisonment up to 5-7 years or fine or both.
- **Section 66 - A** punishes anyone who persistently sends offensive, menacing, false, annoying, dangerous, insulting, injurious, intimidating, hate- filled, deceiving, misleading information or mail or message by means of a computer or a communication device. The offender may be punished for upto 3 years of imprisonment and slapped with a fine.

## REPORT : Cyber Crime

- A cyber crime can be reported to a **Cyber crime Unit** of any city irrespective of the place where it was committed.
- **Cyber Cells** are setup under **Criminal Investigation Departments** for redressal of internet based criminal activities. An F.I.R against such criminal activity may be lodged at any police station.
- **Online Grievance Redressal** is done by the **National Commission for Women (NCW)**. The Commission takes up the matter with the Police and also tries to expedite the process. Under special circumstances, NCW can also set up its own inquiry committee to probe into the matter.
- **Report to the Websites concerned:** Under IT Act, 2008, every website is required to form its own grievance redressal mechanism and the affected person may lodge a complaint there regarding any offensive material published on that site.
- **Indian Computer Emergency Response Team (CERT):** It is the national nodal agency for issues related to cyber security threats. Guidelines are issued by CERT for prevention, reporting and redressal of cyber crimes.

### An interactive session with Mr. Rakshit Tandon – An Expert in Cyber Space security-

Mr. Rakshit Tandon is a cyber expert and an ethical hacker, certified by the Electronic Commerce Council (EC). He discharges advisory functions in numerous organisations, with prevention of child and women abuse via cyber fora, which is his primary domain. Mr. Tandon has served as the Director, Executive Council - Council of Information Security; Member, Advisory Board- National Cyber Safety & Security Standards (NCSSS) and Chief Resource Advisor and Speaker for Internet and Mobile Association of India (IAMAI). Mr. Tandon is also a speaker at TEDx and TALKS at Google. He is advisor, cyber crime, to Uttar Pradesh and Haryana Police, and visiting faculty at several state police centres.





## Mr. Rakshit Tandon

### Q1. What constitutes cyber stalking and what is its most common form?

Cyber stalking is the regular practice of tracing the activities of a person for the purpose of harassment. The most common form of cyber stalking is the creation of a fake profile of an individual, a move which can also be used maliciously for character assassination. Creating fake accounts, maligning people, posting obscene pictures and morphing pictures - all fall under the umbrella category of stalking.

### Q2. How can I be sure if someone is cyber stalking me, and how can I prove that in court, so as to initiate legal proceedings?

The binary of increasing cyber technological development is growing cyber stalking. Social media handles remain the favourite target of stalkers. Succumbing to unknown friend requests and continuous sharing of one's posts without consent serve as a warning bell to users, and threats should be treated with utmost urgency. The modus operandi of the stalker constitutes a silent background study in the initial stage, followed by harassment and threats to the person who is to be stalked.

Once the danger of being stalked is sensed the affected person should report the case immediately without delay. All kinds of digital evidences against the stalker, such as messages, images or videos should be saved and a screenshot of the same should

be immediately taken and the legal authorities should be approached. However vulgar or obscene the content may be, the victim should not back off, rather, solicit legal interference, as delay can cause more frightful future impacts.

### Q3. The IT Act seeks to provide legal recognition to electronic transactions and facilitate e-governance. How much do its legal provisions focus on cyber stalking?

The IT Act does not have any particular section devoted to stalking, but the act is exhaustive enough to penalise behaviour which falls under the purview of stalking. There is Section 67 which penalises any publication, posting or sharing of obscene content with an imprisonment of 3 years and a fine of Rs 5 lakhs. Sub-section 67-A deals with the publishing and transmitting of sexually explicit content, punishable with an imprisonment of 5 years and a fine of Rs 10 lakhs. Sub-section 67-B deals with child abusive content.

Another serious case that is contemporarily gaining momentum is revenge porn, which generally involves the distribution of sexually explicit content to defame or coerce an individual who has broken off a relationship. The section states that whoever captures, transmits, prints the private parts of a human body without his/her consent is to be punished with 3 years of imprisonment and a fine of Rs. 2 lakhs.

The Government of India has taken cognisance of this case and has launched a portal: [cybercrime.gov.in](http://cybercrime.gov.in), for reporting obscene and abusive content. The victim can report anonymously, without being required to go through any interrogation. The victim is just required to report the details of the legal jurisdiction and submit the required proof. **Section 66-D** prohibits impersonation, which is the practice of creating fake accounts for defamation and which attracts a sentence of 3 years imprisonment and a fine of Rs. 1 lakh. Thus, The IT Act encompasses obscenity, sexually explicit content and cheating through impersonation.

### Q4. How does cyber stalking differ from physical stalking?

Online stalking is definitely more dangerous and exposes you to a greater risk. Physical stalking

comprises tracing of a person's physical movements and following him/her. The victim could easily identify his/her stalker and seek even the assistance of onlookers, and the police.

The most substantial threat in cyber stalking is the anonymity of the stalker that makes digital phenomenon a more serious issue. Facebook profiles reveal behavioural details of the stalked ones as well as the identities of those near and dear to them.

Nowadays, one can have access to all the WhatsApp chats of an individual by scanning the **QR code** through *WhatsApp* Web. At times, online stalking turns into offline stalking, wherein people physically attack victims after tracking their movements digitally.

Conversely, the legal authorities can track down the criminal by mapping his or her digital footprints, which constitute legal proof.

### Q5. Does cyber stalking fall under the legal purview of cyber contravention or cyber offence?

Contravention is the violation of a rule while offence is an act prohibited by law. Cyber stalking is a cyber offence.

### Q6. How do the terms cyber stalking and cyber bullying differ from each other?

Cyber stalking is a higher grade offence. Cyber bullying is teasing or trolling a person based on some physical or behavioural characteristic. Trolls in the form of memes that go viral on the internet can be considered to be an example of cyber bullying. There is no specific legal section dealing with this concept. In order to counter cyber bullying, netizens need to exercise cyber resilience, i.e. monitor their conduct on the internet and realise the due importance that is to be given to different reactions.

### Q7. According to online violation survey, around 35% online harassment has resulted in mental health issues like depression and stress. Please give us information related to counselling or rehabilitation centres where such issues are dealt with.

There are many institutions where these issues are dealt with. Some of these are **National Institute of**

**Mental Health and Neuroscience (NIMHANS)** and **Helping Hands of All India Institute of Medical Sciences (AIIMS)**, whose aims are to provide the best care for addiction and mental health victims. They also stress upon detoxification of the victims.

### Q8. What are the benefits provided by Cyber Regulation Appellate Tribunal for redressal in addition to other judiciary authorities?

The Cyber Regulation Appellate Tribunal has taken up cases aggressively. However, it has mostly received civil cases related to data breach, data thefts and compensation in the case of online frauds. The laws need to be more stringent and comprehensive to empower the citizens.

### Q9. What are the provisions applicable in case of an individual stalking an Indian from a foreign territory?

In these cases, the ownership of data is a big problem. We generally don't apply our minds while going through the terms and conditions of use and tick the 'I agree' checkbox which is a valid proof for the company of having rightful authority of data to be stored. Though the countries are signatories to treaties such as **Mutual Legal Assistance Treaty (MLAT)**, material information is not solicited except for serious cases. The servers are located in foreign territories and they have rigid rules and strong privacy conditions.

### Q10. According to National Crime Records Bureau data, the number of cases for obscene publication and transmission in electronic form under the IT Act, 2008 have significantly risen. They also stated that the number of crimes reported were far more than the number of people arrested. Why does this happen?

There are two reasons for this discrepancy. First, there is a lack of digital evidence at the disposal of the victim as well as the Investigating Officer (IO). Second, the servers are located out of the country's jurisdiction. The proxy servers, hiding of IP addresses and non-KYC of bank accounts are factors increasing the crime rate. 11,962 cases have been reported since 2015 of which 5,102 have been solved. Resolution of nearly 50% of the cases is suggestive of commendable work done by the legal authorities.





“Online stalking is definitely more dangerous and exposes the stalked person to a greater variety of risks. The most substantial threat in cyber stalking is that the sufferer is not aware of who is mapping his/her activities. The anonymity of the stalker makes the digital phenomenon a more serious issue.”

“It is necessary to re-engineer the ethics of society to counter this problem, as the fraternity needs to exercise its right to freedom of speech within the limits of decency. It is fine to exercise one’s opinion and criticise at public forums, but one should be mindful of one’s words.”

#### Q11. What are the best methods to combat cyber stalking?

It is imperative to know the methods of protection from cyber stalkers. Firstly, privacy must be maintained by not allowing apps to access any information. Phone numbers and emails must be secured and the use of unverified apps must be avoided. Moreover, users should be empowered with requisite tools to ensure privacy on social media. They should be aware of the facilities to report and block accounts and certain content. Personal details should be divulged within limits. Strangers should not be added to the circuit just to exhibit one’s popularity to the community.

#### Q12. Cyber crime includes hate speech and abuse, mass trolling and derogatory comments on females as the majority of the victims are women, and is indicative of total misuse of the right to freedom. What steps should be taken to prevent this?

The right to freedom of speech enshrined in the Constitution should be exercised with a sense of ethical propriety and within the limits of decency. It is fine to exercise one’s opinion or criticise in public fora, but by minding one’s words.

#### Q13. In the cases that you have received, is there an age group that is more vulnerable to cyber crimes?

Teenagers are the most vulnerable to cyber crimes predominantly because of high usage. Youth these days have an inexplicable risk-taking trait, and want to step into everything just for the sake of it. Tinder, the dating app is an example of this. Obsessive behaviour leading to stalking is indicative of a sadistic mindset.

#### Q14. What role has the media played in the escalation of cyber crime?

The media has had a role in the escalation of cyber crime. There is a lack of constructive journalism in our country, negative news are dramatised and played out again and again. The *Blue Whale* and *Momo Challenges* have gained impetus because of the undue hype created by the media.

Stalking is triggered by an obsessive mental state, because the mind has been exposed to enormous amount of lascivious content. The creators can be chided for this but the audience also has a penchant for such content. Further, technology has actuated an impersonal touch to society, with personal solitude being amplified by the digital isolation celebrated as socialising.

The desire to create ripples over the social media circuit has on the rebound been the primary causal factor for stalking. It is extremely essential to adopt a conservative approach and be specific about the content that is posted on the internet. In the course of using online forums to interact and express, utmost care should be taken to empower oneself with the privacy tools.

Stalking is a by-product of the obsessive and sadistic clutter of the mind. The only way out of this precarious situation is to protect one’s privacy and individual choices and extend respect instead of giving into an inordinate craving to exploit.

#### PREVENTIVE MEASURES TO AVERT THE THREAT OF CYBER STALKING

1. The identity of the concerned individual should be verified before connecting with him over social media.
2. A conservative approach should be adopted when sharing over social media accounts. Personal details including phone number should not be extended on different profiles.
3. One should not trust strangers in a bid to increase one’s popularity in the community circles.
4. Females should be well versed with the privacy tools before engaging in conversations over the internet.
5. Cyber resilience is an important step that should be adopted. One should be aware as to how and what magnitude of action is necessary on certain sensitive issues.
6. In 80% of the cases, the stalker is an acquaintance of the victim. If one feels that one is being stalked,



then it must be happening. A person being stalked should try to recall such incidents in the past or having had personal/professional conflicts with another person.

7. Lastly, as the adage goes, attack is the best form of defence; to protect oneself it is best to combat the stalker. The affected person should collect all proof against the stalker, be it textual, visual or auditory and no matter how beyond the limits of decency it is, must seek immediate legal assistance.

## CYBER CRIME CASES

*For every lock, there is someone out there trying to pick it and break it.*

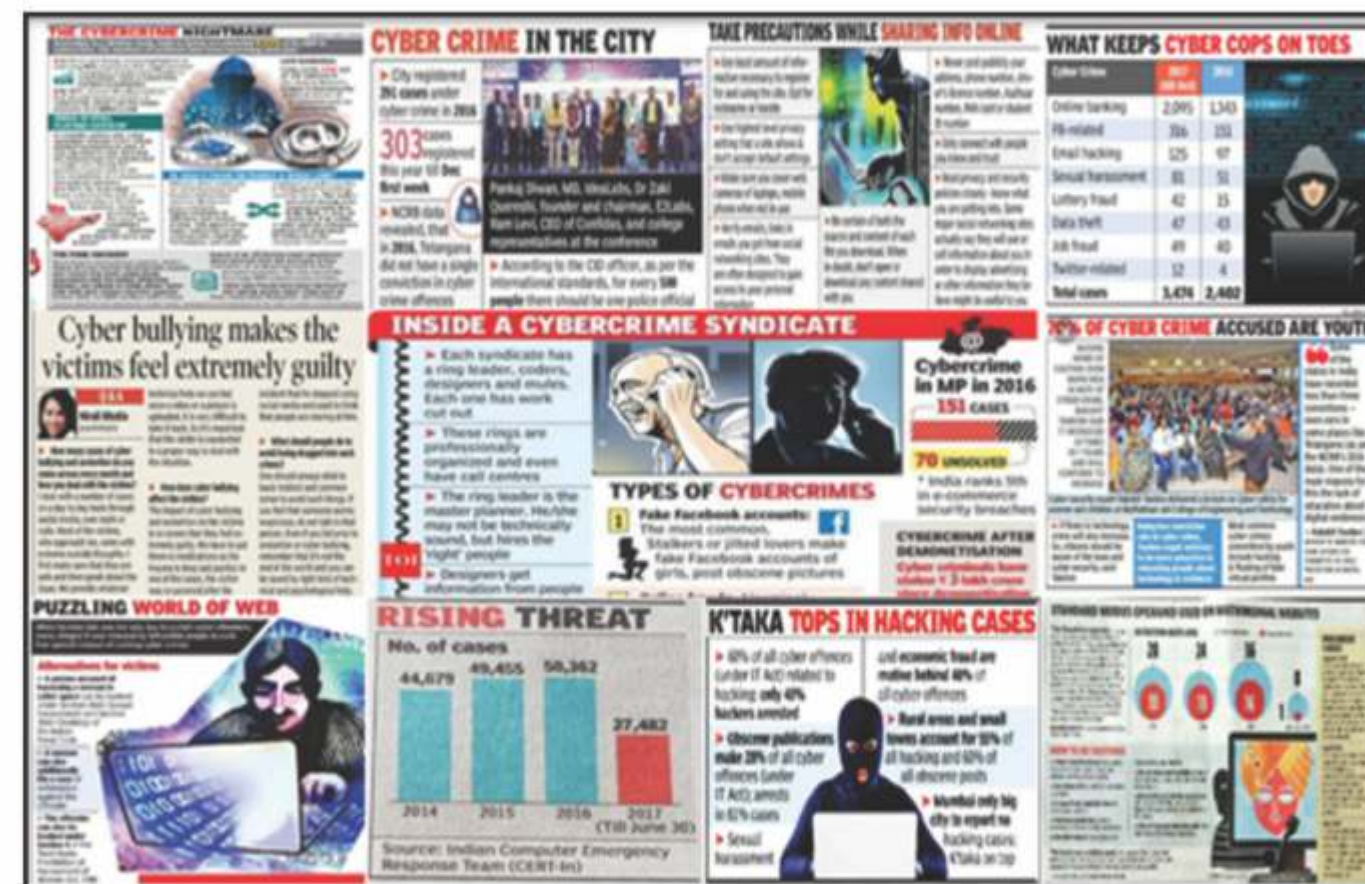
This is true with reference to the current scenario of cyber security. Technology has transformed the way we live. We can send a message or call someone at the speed of light. It has turned humans into social animals, constantly interconnected and interacting through social media. However, cyber security is still a major problem especially for women when using various applications of technology.

The Hyderabad Police lodged a case of cyber crime in 2018<sup>1</sup> and after investigation, the police arrested a 23-year old private company employee for harassing and defaming a woman who was his former colleague in office and to whom he had proposed marriage. According to the police investigation, the culprit used to work with the victim and had normal conversations on work prospects and projects related to the office. While working with her, he proposed marriage several times but she rejected him every time. The culprit felt insulted and humiliated and to avenge himself, he decided to defame and expose her. He took advantage of social media, created a fake Facebook account in the victim's name and posted abusive and sexually explicit content on it. A few days later the fake account and its obscene and maligning content was brought to the victim's notice by her friend. She immediately informed the police and filed a complaint against the stalker. The accused was arrested under **Section 354-D** (Stalking), **Section 509** (Word, Gesture or Act Intended to

Insult the Modesty of a Woman) of the IPC and other relevant sections of IT Act.

A woman in Maharashtra was blackmailed by her colleague for rejecting his marriage proposal and she even stopped talking to him at the behest of her parents<sup>2</sup>. The accused continued to keep an eye on her profile and her whereabouts and after a few days when she opened her email account she found an obscene email from some unknown ID, which she ignored. However, when she began to receive vulgar emails on a daily basis from the same ID, she filed a complaint to the crime branch. After this, a case was registered and the Cyber Crime Investigation Cell took over the probe. The Internet Protocol address of the computer was traced and found that the emails were being sent by a colleague from within her company. The stalker had created a separate ID to send the obscene emails to the complainant from his office laptop. The Mumbai Police arrested the accused in 2009 and he got convicted under **Section 509** (Word, Gesture, or Act, Intended to Insult the Modesty of a Woman) of IPC and **Section 66-E** (Punishment for Violation of Privacy) of the Information Technology Act, 2008. He was punished by imprisonment.

In Delhi, a girl in the pursuit of a job approached someone from an event management company and she was asked to submit her resume. She began to receive incessant calls from someone in the company demanding physical favours. She was stalked and the stalker impersonated her on social media and created fake accounts in a bid to malign her character. The girl's contact number was also added to porn sites. The police identified the girl being stalked on the messaging app Mico. The police could not nab the suspect as the ISP address of the server that was used to make fake profiles cannot be ascertained unless a reply is received from the networking sites. It is very difficult to investigate these cases as the servers are based in foreign countries. There is a 90-day lapse period, after which the data will be lost unless it is stored on the mobile network, the officer added<sup>3</sup>.



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# HIMMAT PLUS

## Instilling Courage to Combat Crime



*“Apne andar to Himmat rakhni hai, ab apne haathon mein bhi rakhni hai”*

With this motto the Delhi Police have come up with several measures to provide security for women in the city. An integral aspect of these measures is the **HIMMAT PLUS App**, a pilot project launched by Delhi Police to serve as a contact point for women in trouble. Originally initiated as the **HIMMAT App**, it was launched by the Hon'ble Home Minister Shri Rajnath Singh on 1st January 2015, amidst escalating concerns for women's security. The implementation of the app was a failure due to several reasons namely, technical snags, lack of awareness, absence of bilingual interface and a cumbersome registration process.

The Delhi Police took cognisance of these shortcomings and extensively revamped the app with the help of the students of Indraprastha Institute of Information Technology, Okhla. The modified digital application, rechristened HIMMAT PLUS App was launched on 6th February 2018, by Shri Sanjay Baniwal, Special Commissioner of Police, Women Safety and Airport Modernisation. The App has a host of new features, most prominently a simpler registration portal and a bilingual interface.

There is a new Quick Response (QR) Code scanning feature, and this Code has been issued to about 3,000

auto- rickshaw, e-rickshaw and taxi drivers and a database has been prepared about them. Passengers can scan the QR code upon taking the transit facility, and report the status of their journey to the police. For users of non- smart-phones, the facility has been extended on SMS. This facility is available at the Indira Gandhi International and National Airports and at five metro stations of AnandVihar, Vishwa Vidyalaya, Malviya Nagar, Saket and Nehru Place. From being an Emergency App HIMMAT PLUS is now a Utility App, extending regular news updates on the numerous activities of the police. The Facebook- page of the Delhi Traffic Police and the Twitter- handle of the Delhi Police have been linked to this App.

The HIMMAT PLUS App has enlarged the engagement of the Police Force with the people in the city as the statistics clearly reveal. In the 4 months from February and June 2018 the App had been downloaded by 40,935 people and the police addressed the calls of 12,468 users<sup>1</sup>.

These figures compare favourably vis-à-vis the 30,821 users over 3 years of the original App<sup>2</sup>.

The students of Women Development Cell,

Shivaji College, were privileged to personally interview and interact with DCP West, Delhi District, Ms. Monika Bhardwaj, to gain an in- depth knowledge of the features and functioning of this App. The following are the excerpts from the interview:

**Q1. What are the main features of the HIMMAT PLUS App?**

The HIMMAT PLUS App has an SOS button, which sends an immediate alert to the police control room and to the emergency number provided by the person, generally of a family member. If the woman is not in the condition to press the button, she can alert the police by simply shaking her phone. There

is a facility of auto recording for 30 seconds. It also gives a near precise location of the victim based on latitude and longitude by mapping the details from her digital device.

The HIMMAT PLUS App engages the audience with meaningful content by giving updated status regarding the increase or decrease in criminal activities of a particular area, the successful engagements of the police and streamlined track of certain cases. Recently I went to a girls' college and asked a member of the faculty to run the App. She received a reverse call from the police control room within 15 seconds. This shows vigilance in the functionality of the App.



Ms. Monika Bhardwaj, Deputy Commissioner of Police, Delhi West

*“The simplicity and user friendly interface is the biggest USP of HIMMAT PLUS App. It offers the exact location merely by the shaking of the mobile phone.”*

*“HIMMAT PLUS App is highly efficacious and its installation is of utmost necessity. Many popular apps favoured by girls will not help in a situation of crisis. HIMMAT PLUS App will.”*



**Q2. A database of auto-rickshaw, e-rickshaw and taxi drivers has been prepared and a QR code has been assigned to them at 5 Metro stations- Nehru Place, Anand Vihar, Malviya Nagar, Saket and Vishwavidyalaya in Delhi. Why were these 5 stations selected?**

These stations have been chosen on the basis of demographic factors and footfall. There are a lot of females (students as well as teachers) moving about in Vishwa Vidyalaya. Similarly, on the basis of the quantum of the crowd, the scheme has been offered at the other locations.

**Q3. What is the difference between HIMMAT PLUS App and other apps like Raksha and Bsafe apps?**

The simplicity and user friendly interface is the biggest USP of HIMMAT PLUS App. The App has to be downloaded and some basic details have to be registered. Advanced details like emergency phone number may be furnished if desired. It offers the exact location merely by shaking the mobile phone. Hence, it is better than other apps.

**Q4. HIMMAT PLUS App suffers from some technical issues and there is a lack of awareness among people about it. What are your plans to make it better and popular?**

Yes! There is a lack of awareness about the App but measures are being taken on a personal and organisational level to address this concern. Extensive promotions are being carried out by means of advertisements on radio, newspapers and hoardings. We have made a feature film on the App and it is being aired on the internet, mall screens and other media. Hoardings have been put up in North and South Campuses of the University of Delhi and near many colleges for girls for its endorsement. We also focus on 'word of mouth' publicity and encourage students and faculties at schools and colleges to install the App on their devices as well as those of their acquaintances.

HIMMAT PLUS App is a highly efficacious app and its installation is of utmost necessity. Many popular apps favoured by girls will not help in a situation of crisis, HIMMAT PLUS App will."

#### INITIATIVES OF DELHI POLICE FOR WOMEN'S SAFETY:

1. HIMMAT PLUS App – Contact in Emergency;
2. SASHAKTI – Self Defense Training;
3. WOMEN HELP DESK - 24X7 at all Police Stations;
4. WOMEN PCR VAN – Dial 100;
5. WOMEN HELPLINE – Dial 1091 ;
6. GETTING OBSCENE CALLS – Dial 1096.

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## WOMEN SAFETY SOLUTION





# FREE LEGAL AID:

## Delhi State Legal Services Authority

The preamble of the **Indian Constitution** promises to secure justice: social, economic and political, to all the citizens of the country. With this intent the government provides, under **Article 39 A** of the Constitution, free legal aid to the poor and weaker sections of the society. **Articles 14 and 22 (1)** of the Constitution also make it obligatory for the State to ensure equality before law. In 1987, the **Legal Services Authorities Act** was enacted by Parliament, which came into force on 9th November, 1995 to establish a nationwide uniform network for providing free and competent legal services to the weaker sections of the society. **The National Legal Services Authority (NALSA)** was constituted under this Act. The Chief Justice of India is the Patron-in-Chief and the senior-most Hon'ble Judge of the Supreme Court of India is the Executive Chairman of the Authority. Presently, NALSA is housed at 12/11, Jam Nagar House, New Delhi-110011.

The principal objective of NALSA is to provide free and competent legal services to the citizens of India and to ensure that opportunities for securing justice are not denied to any citizen due to economic reasons or other disabilities, and to organize **Lok Adalats** for amicable settlement of disputes. Apart from these, other functions of NALSA include spreading legal literacy and awareness, undertaking social justice litigations etc.

To achieve its objectives by carrying out its responsibilities, NALSA works in close coordination with the various **State Legal Services Authorities, the District Legal Services**

**Authorities** and other agencies for a regular exchange of relevant information, monitoring and updating on the implementation and progress of the various schemes in vogue. The Authorities are expected to foster a strategic and coordinated approach to ensure smooth and streamlined functioning of the various agencies and stakeholders.

In the state of Delhi, the objective of providing free and effective legal aid is carried out by **Delhi State Legal Services Authority (DSLSA)**. The DSLSA, erstwhile Delhi Legal Aid & Advice Board, was constituted by an Act of Parliament passed under **The Legal Services Authorities Act, 1987** as amended by Legal Services Authorities (Amendment) Act, 2002, to **provide free and competent legal services to one and all**, especially to the economically weaker sections of society. The DSLSA organizes Lok Adalats to ensure justice on the basis of equal opportunity. The DSLSA, headquartered at the Patiala House Courts, New Delhi, works under the administrative control of the High Court of Delhi. The DSLSA has also constituted a committee in High Court of Delhi called High Court Legal Services Committee under Section 8A of the Legal Services Authorities Act 1987 as amended by the Legal Services Authorities (Amendment) Act, 2002.

### FREE LEGAL SERVICES PROVIDED BY NALSA / STATE AUTHORITY/ DISTRICT AUTHORITY

Any eligible person approaching NALSA / DSLSA for free legal aid is entitled to the following services free of cost:

- Payment of court fee, process fees and all other charges payable or incurred in connection with any legal proceeding.
- Provisions of an Advocate for all legal proceedings.
- Obtaining and supply of certified copies of orders and other documents in legal proceedings.
- Preparation of appeal, paper work including printing and translation of documents in legal proceedings.

### PERSONS ELIGIBLE FOR FREE LEGAL SERVICES

- Women and children.
- Members of SC/ST.
- Industrial workmen
- Persons in custody, including children in protective homes and mentally ill persons in psychiatric hospitals or nursing homes.
- Victims of human trafficking or beggars.
- Disabled persons.
- Victims of mass disaster, violence, flood, drought, earthquake, industrial disaster.
- Persons whose annual income does not exceed Rs. 1 Lakh per annum.
- Senior citizens or Trans-genders with income less than Rs 2 Lakhs per annum.

The DSLSA is divided into 4 different wings according to its functions as envisaged in Section 7

of The Legal Services Authorities Act, 1987. This is to ensure segregation of work & records and for administrative convenience. The four wings are as follows:

- Establishment Wing
- Legal Aid Wing
- Lok Adalat Wing
- Legal Literacy Wing

In Delhi, there are **11 District Legal Services Authorities** established under **Section 9** of the Legal Services Authorities Act 1987. The DSLSA has **137 Legal Services Clinics**, i.e., 104 Legal Services Clinics in Gender Resource Centres in association with Mission Convergence, 09 Legal Services Clinics in Colleges and Universities, 24 Legal Services Clinics in Juvenile Justice Board (JJBs), Child Welfare Committees (CWCs), All India Legal Aid Cell on Child Right, Central Jails in Delhi and Observation Homes.

There are various ways by which a person can avail free legal services. The concerned person may approach DSLSA through an application in writing or filling a form online or offline provided on NLSA website. If the person is illiterate or is not in a position to write, any officer of the Authority shall record the verbal submission and take his signature or thumb impression over it. This document is treated at par with a written application. For smooth functioning, bigger outreach and for public convenience DSLSA may be contacted through the following:

Office Address:

Legal Assistance Establishment Nyaya Sanyog,  
Patiala House Courts, New Delhi-110001

Phone No.: 011-23071265

Mobile No.: 9870101337

Helpline No. (24x7 Toll Free): **1516**

E-mail: [lae-dslsa@gov.in](mailto:lae-dslsa@gov.in)

Website: [www.dslsa.org](http://www.dslsa.org)



List of various Legal Services Authorities located in different parts of Delhi working under the aegis of DSLSA:

Name of the Authority	Address	Contact No.	Email-ID
East District Legal Services Authority	Room No. 36, Karkardooma, Courts, Delhi	22101336	east-dlsa@nic.in
Shahdara District Legal Services Authority	Room No. 35-A, Karkardooma Courts, Delhi	22101456	shahdara-dlsa@nic.in
South District Legal Services Authority	Room No. 309, Saket Courts, New Delhi	29562440	south-dlsa@nic.in
New Delhi District Legal Services Authority	Patiala House Courts, New Delhi	23071265	nddistrict.dlsa@gmail.com
North-West District Legal Services Authority	Room No. 306, Rohini Courts, Delhi	27555536	northwest-dlsa@nic.in
South-East District Legal Services Authority	Room No. 310, Saket Courts, New Delhi	29561040	southeast-dlsa@nic.in
South-West District Legal Services Authority	Room No. 5A, Admin. Block, Dwarka Courts, Sector-10, Dwarka, New Delhi	28041480	southeast-dlsa@nic.in
West District Legal Services Authority	Room No. 295, Tis Hazari Courts, Delhi	23968052	west-dlsa@nic.in
Central District Legal Services Authority	Room No. 287, Tis Hazari Courts, Delhi	23933231	central-dlsa@nic.in
North-East District Legal Services Authority	Room No. 35, Karkardooma Courts, Delhi	22101335	northeast-dlsa@nic.in
Delhi High Court Legal Services Committee	Room No. 33-38, Lawyers Chamber, High Court of Delhi, New Delhi	23383418	dhclsc-dhc@nic.in



Students and faculty members of Shivaji College had the opportunity to meet Mr. Vinod Kumar Meena, Secretary in DSLSA, West District, Tis Hazari Courts. Mr. Meena looks after every activity related to Legal Aid in West District. His profile includes meeting with jail inmates, creating legal awareness, legal literacy and providing legal assistance to the parties. He took oath as a judge in 2009 and joined the Cadre of Delhi Judicial Services and was posted as Metropolitan Magistrate at Tis Hazari Courts. His inputs were vital in shaping this article. He also assisted in the legal aspects of chapters on rape and sexual harassment at workplace, domestic space and public space.



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